

## **CHAPTER 2.76**

### **PERSONNEL SYSTEM**

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#### **2.76.005 Citation of Chapter.**

This chapter is hereby designated as and may be cited as "Personnel Rules and Regulations." (Ord. 15488 §1; March 12, 1990: P.C. §2.58.001: Ord. 8619 §1; December 21, 1964: Ord. 7274 §1; August 22, 1960).

#### **2.76.010 Purpose of Rules.**

It is the purpose of these rules to give effect to provisions of City of Lincoln Charter, Article IX-A. These rules set forth the principles and procedures that are to be followed by the City of Lincoln in the administration of its personnel program and are intended to establish a modern and workable system of personnel administration based on merit principles and scientific methods to govern the appointment, promotion, transfer, layoff, dismissal, discipline, and other conditions of employment of its employees. (Ord. 15488 §2; March 12, 1990: P.C. §2.58.010: Ord. 7208 §1; June 20, 1960).

#### **2.76.015 Positions Covered by Rules.**

These rules shall apply to all positions in the classified service as provided herein. (Ord. 18076 §1; October 21, 2002: prior 15488 §3; March 12, 1990: P.C. §2.58.020: Ord. 7208 §2; June 20, 1960).

#### **2.76.020 Adoption of Rules.**

These rules shall have the force and effect of law when enacted as an ordinance by the City Council as prescribed in City of Lincoln Charter, Article IX-A, § 5. (Ord. 15488 §4; March 12, 1990: P.C. § 2.58.030: Ord. 7208 §3; June 20, 1960).

#### **2.76.025 Amendment of Rules; Procedure.**

Amendments and revisions of these rules and regulations not inconsistent with the charter may be initiated by the Personnel Director and submitted to the Personnel Board. The Personnel Board shall review such amendments or revisions, conduct hearings thereon, approve or reject such amendments or revisions in whole or in part and with or without modifications, and transmit them with recommendations to the City Council for its consideration and legislative action. All amendments or revisions of these rules and regulations shall have the force and effect of law when enacted as an ordinance by the City Council as prescribed in City of Lincoln Charter, Article IX-A, § 5. (Ord. 15488 §5; March 12, 1990: P.C. § 2.58.040: Ord. 8619 §2; December 21, 1964: Ord. 7208 §4; June 20, 1960).

#### **2.76.030 Administration of Rules.**

The Personnel Director shall be charged with the responsibility of the administration of the provisions of these rules. (Ord. 15488 §6; March 12, 1990: P.C. §2.58.050: Ord. 7208 §5; June 20, 1960).

#### **2.76.035 Departmental Rules and Regulations.**

These rules and regulations shall not be construed as limiting in any way the power and authority of any department head to make rules and regulations governing the conduct of departmental employees and the performance of departmental function, provided that such departmental rules and regulations shall be consistent with and limited by the provisions of these rules and regulations. Departmental rules and regulations shall be subject to the approval of the Personnel Director and shall be published in written form.

Such rules and regulations, when approved and published as herein provided, shall have the force and effect of rules and regulations of that department and disciplinary actions may be based upon the breach of any such rules or regulations. (Ord. 15488 §7; March 12, 1990: P.C. §2.58.060: Ord. 8619 §3; December 21, 1964: Ord. 7208 §6; June 20, 1960).

## **2.76.040 Definitions.**

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

**Allocation** shall mean the assignment of a position to a class on the basis of the kind, difficulty, and responsibility of work of the position.

**Appointing authority** shall mean the officer or any person having the power by virtue of the charter or other lawfully delegated authority to make appointment to positions in the city service.

**Appointment** shall mean the designation to a position in the classified service of a person who has qualified for the appointment through appropriate examination or determination of fitness.

**Board** shall mean Personnel Board.

**Certification** shall mean the act of the Personnel Director in supplying an appointing authority with the names of applicants who are eligible, in accordance with the provisions of these rules, for appointment to a position for which certification is requested.

**Charter** shall mean the Home Rule Charter of the City of Lincoln.

**Class or classification** shall mean a position or group of positions that involve similar duties and responsibilities, require similar qualifications, and designated by a single title indicative of the kind of work.

**Class specification** shall mean the written description of a class including the title, statements of the duties and responsibilities, and the minimum requirements of education and experience appropriate upon entrance for satisfactory performance in a position of the class.

**Demotion** shall mean the movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

**Department** shall mean a major operating functional unit of the executive branch of the city government established in or pursuant to the charter.

**Department head** shall mean the officially appointed head of any department.

**Director** shall mean the Personnel Director.

**Eligible** shall mean a person whose name is on an active reemployment, promotion, or eligible list and who may, under these rules, be certified for appointment to a position in the classified service.

**Eligible list** shall mean a list of persons arranged in descending order of their ratings on examinations for classes of positions and to which they are qualified for appointment.

**Full-time employment** shall mean employment in a position which does not normally require less than forty hours work per week.

**Immediate family** is defined to be husband, wife, child, father, mother, sister, brother, father-in-law, and mother-in-law.

**Layoff** shall mean the separation of an employee from the classified service which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

**Leave of absence** shall mean an approved period of time during which the employee is not physically present for work.

**Original appointment** shall mean appointment to a position in the city service of a person who is not a present employee of the city and who is not being reinstated from a reemployment list.

**Overtime** shall mean authorized time worked in excess of the individual's regular work day and/or regular work week, or at a time other than the normally scheduled work hours.

**Part-time employment** shall mean employment in a position which normally requires less than forty hours work per week.

**Pay period** shall mean payroll payments normally made to employees on a bi-weekly basis.

**Performance test** shall mean a test that measures the applicant's skill in performing a specified type of work by evaluating the actual performance of such work.

**Probationary employee** shall mean an employee who has not completed his probationary period after original employment.

**Probationary period** shall mean a working test period during which an employee, newly appointed from a list, is required to demonstrate his fitness for a position to which said employee is appointed by actual performance of the duties of the position. The probationary period shall not exceed six months.

**Promotion** shall mean the movement of an employee from a position of one class to a position of another class having a higher maximum salary rate.

**Promotion list** shall mean a list of persons arranged in descending order of their final ratings on examinations for classes of positions for which they have competed in promotional examinations and to which they are qualified for appointment.

**Promotional examination** shall mean an examination for positions in a particular class, admission to which is limited to employees in the classified service who meet the qualifications set forth in the announcement of the examination.

**Provisional appointment** shall mean an appointment not to exceed ninety calendar days to a classified position pending the establishment of an appropriate list or the return of a classified employee from an extended leave of absence.

**Reallocation** shall mean the official determination of the Personnel Director that a position be assigned to a class different from the one to which it was previously assigned.

**Reemployment** list shall mean a list of persons who have been but are no longer regular employees in a particular class and who are entitled to have their names certified for appointment to a position in that class without examination.

**Regular employee** shall mean an employee who has been appointed to a position in the classified service in accordance with these rules after successful completion of a probationary period.

**Reprimand** shall mean a formal written notice to an employee informing the employee of the specific manner in which the employee's conduct or work performance does not meet prescribed standards.

**Seasonal employment** shall mean appointment of persons whose employment is expected to be of a seasonal nature and when it is expected that the services of such persons will be no longer necessary at the close of the season for which they have been appointed.

**Supervisor** shall mean any person responsible to a superior for directing the work of others.

**Temporary employment** shall mean:

- (1) Employment in non-career service positions in the unclassified service, or
- (2) Employment in career service positions for a specific purpose and limited length of time not to exceed one year.

**Transfer** shall mean the movement of an employee from one position to another position of the same class or of another class having the same maximum salary rate involving the performance of similar duties, and requiring essentially the same basic qualifications.

**Unassembled examination** shall mean an examination which does not require all candidates to assemble at the same place.

**Vacancy** shall mean a duly created position which is not occupied and for which funds have been provided.

**Veteran** shall mean a citizen of the United States who has been a member of the Armed Forces of the United States of America and in active service for more than ninety consecutive days in time of any war in which this country has been or shall hereafter be engaged; including the periods between April 6, 1917 and November 11, 1918; between December 7, 1941 and December 31, 1946; between June 25, 1950 and January 31, 1955; and between August 5, 1964 and May 7, 1975, (and any other legally designated periods), and who has been discharged or released therefrom under honorable conditions; provided, however, that attendance at a school under military orders, except schooling incident to an active enlistment or regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or national guard unit shall not be considered active service within the meaning of this definition; and provided, further, that any such citizen otherwise eligible, who was discharged or released under honorable conditions on account of service-connected injury or illness prior to completion of such ninety-day service shall nevertheless be deemed to be a veteran.

**Work day** or **working day** shall mean any one shift during which a department is open for business or on which an employee is scheduled work.

**Work week** shall mean the number of hours regularly scheduled to be worked during any seven consecutive days commencing on a Thursday and ending on the following Wednesday by an individual employee.

**Career service** positions shall mean budgeted, full- and part-time positions in the classified service. Employees who occupy career service positions and have status are eligible for benefits.

**Non-career service positions** shall mean a temporary, seasonal, intermittent, full- or part-time position in the unclassified service. The term of employment in these positions will either be of a specific duration of time or for a specific purpose or on an as-needed basis. Remuneration for employees in this category will be limited to pay for time actually worked with no eligibility for other employee benefits.

**Excluded employee** shall mean an employee who is not represented by a bargaining unit due to the confidential nature of work performed. Employees assigned to a pay range prefixed by the letter "E", "M", or "X" are considered to be "excluded". (Ord. 16301 §1; February 1, 1993: prior Ord. 15696 §1; August 20, 1990: Ord. 15662 §1; July 16, 1990: Ord. 15488 §8; March 12, 1990: P.C. §2.58.070: Ord. 15407; January 22, 1990: Ord. 15124 §1; March 13, 1989: Ord. 14738 §1; September 8, 1987: Ord. 14173 §1; August 19, 1985: Ord. 12338 §§1, 2, 3, 4, 5; July 17, 1978: Ord. 12168 §1; December 27, 1977: Ord. 10559 §1; September 11, 1972: Ord. 7208 §9; June 20, 1960).

#### **2.76.045 City Council; Powers and Duties.**

The City Council shall:

- (a) Approve these "Personnel Rules and Regulations" and any amendment or revision thereof.
- (b) Approve the pay plan and any amendment or revision thereof.
- (c) Confirm appointments of department heads and Personnel Board members.
- (d) Approve a pension and retirement plan and any amendment or revision thereof. (Ord. 15488 §9; March 12, 1990: P.C. §2.58.080: Ord. 8619 §5; December 21, 1964: Ord. 7208 §8; June 20, 1960).

#### **2.76.050 Mayor; Powers and Duties.**

The Mayor shall:

- (a) Be the official appointing authority of all officers and employees in the executive branch, but the Mayor may delegate to department and division heads the authority to make certain appointments. The Mayor shall appoint, with City Council approval, the heads of all departments established in the charter, and may remove, without Council approval, the heads of such departments.
- (b) Appoint, with confirmation by the council, the members of the Personnel Board.
- (c) Receive the pay plan or any amendment or revision thereof from the Personnel Board and submit it together with comments to the council. (Ord. 15488 §10; March 12, 1990: P.C. §2.58.081: Ord. 8619 §6; December 21, 1964).

#### **2.76.055 Personnel Board; Membership; Powers and Duties.**

There shall be a Personnel Board comprised of five members who shall be appointed by the Mayor and confirmed by the council. The first appointees shall be appointed for terms of one, two, three, four and five years, respectively. Thereafter all appointments shall be for five-year terms. Vacancies in an unexpired term shall be filled by the Mayor by appointment for the remainder of the term, and such appointments shall require the council's confirmation.

Members shall be appointed from among persons having the qualifications established in City of Lincoln Charter, Article III, § 4, and one member shall be a city employee, but no other officer or employee of the city shall be eligible for appointment to this board. A member of the board may be removed by the affirmative vote of four members of the council after being given a written statement of the charges against such board member and a hearing, which shall be a public hearing, if so requested by the board member.

The board shall annually elect its chairperson and such other officers as it desires from among its members and shall establish its own rules of procedure, provided that three members shall constitute a quorum for the transaction of business and three affirmative votes shall be required for final action on any matter acted upon by the board.

The board shall have power and shall be required to:

- (a) Advise the Mayor, City Council and Personnel Director on matters concerning personnel administration, including training programs and the fostering of interest by educational institutions and civic, professional and employee organizations in the improvement of the city service.
- (b) Review the personnel rules and regulations and amendments thereto developed and recommended by the Personnel Director; conduct hearings thereon; approve or reject such rules in whole or in part and with or without modifications; and transmit such rules with recommendations to the council for its consideration and legislative action.



(c) Hear appeals by any employee in the classified service from a decision by the appointing authority with respect to a discharge, suspension, or a reduction in classification or pay; and report in writing to the appealing employee and the appointing authority its findings and decisions, which decision shall be binding upon the appointing authority.

(d) Make any investigation which it may consider desirable concerning personnel administration in the city service and report to the Mayor and Council its findings, conclusions and recommendations.

(e) Perform such other related duties as may be necessary to fulfill its responsibilities under the charter or as may be assigned by the Mayor or council.

The Personnel Board, for purposes of conducting any hearing or investigation authorized by this chapter, shall have the power to administer oaths, subpoena witnesses and compel the production of pertinent records and books.

Members of the board shall serve without pay. (Ord. 15488 §11; March 12, 1990: P.C. §2.58.090: Ord. 7208 §9; June 20, 1960).

#### **2.76.065    Unclassified Service; What Constitutes.**

The unclassified service shall consist of:

- (a) All officers elected by the people.
- (b) The directors or heads of all departments established pursuant to the city charter.
- (c) Members of boards and commissions.
- (d) All probationary and temporary employees.
- (e) Administrative assistants to elected officials.
- (f) Persons employed on an individualized contract basis. (Ord. 15488 §12; March 12, 1990: P.C. §2.58.110: Ord. 13883 §1; July 2, 1984: Ord. 9080 §1; August 22, 1966: Ord. 7208 §11; as amended by Ord. 7583, October 16, 1961).

#### **2.76.070    Classified Service; What Constitutes.**

The classified service shall consist of all positions not specifically included in the unclassified service, and shall include all employees of the Library Board. (Ord. 15697 §1; August 20, 1990: prior Ord. 15488 §13; March 12, 1990: P.C. §2.58.120: Ord. 8619 §8; December 21, 1964: Ord. 7208 §12, as amended by Ord. 7583; October 16, 1961).

#### **2.76.075    Status of Present Employees.**

Any person holding a position in the classified service and who has been in the employ of the City of Lincoln for a period of six months when this chapter takes effect shall be retained, but shall thereafter be subject in all respects to the provisions of this chapter. Any other persons in the classified service at the time this chapter takes effect shall be considered as having been given probationary appointment as defined in the rules relating to the subject. (Ord. 15488 §14; March 12, 1990: P.C. §2.58.130: Ord. 7208 §13; June 20, 1960).

#### **2.76.080    Classification Plan; Preparation.**

The Personnel Director shall ascertain the duties and responsibilities of each position in the classified service. After analyzing this information and consulting with department heads and other employees, the director shall prepare and submit to the Personnel Board a classification plan which shall group all

positions in the classified service into classes based upon their duties and responsibilities. The classification plan shall include class specifications which shall set forth for each class of positions a class title, a statement of duties and responsibilities, and a statement of the qualifications in accordance with provisions of the charter. After the director has developed the classification plan as provided above, the director shall recommend it to the Personnel Board for adoption. (Ord. 15488 §15; March 12, 1990: P.C. §2.58.140: Ord. 7208 §14; June 20, 1960).

#### **2.76.085 Classification Plan; Adoption.**

The Personnel Board shall review and approve such plan, with or without amendments. (Ord. 15488 §16; March 12, 1990: P.C. §2.58.150: Ord. 7208 §15; June 20, 1960).

#### **2.76.090 Classification Plan; Amendments.**

Any appointing authority or regular employee in the city service may initiate a request to the Personnel Director to amend the classification plan. The Personnel Director shall make the necessary investigation of any such request, and may make classification studies or surveys at other times on the director's own initiative. If the director finds that substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary the establishment of a new class, the director shall recommend such amendment to the Personnel Board. The board shall review the amendment, and if it approves with or without change, the amendment shall become effective in the same manner as that provided for the adoption of the classification plan. (Ord. 15488 §17; March 12, 1990: P.C. §2.58.160: Ord. 8619 §9; December 21, 1964: Ord. 7208 §16; June 20, 1960).

#### **2.76.095 Classification Plan; Allocation of Positions .**

As promptly as practicable after the adoption of the classification plan, the Personnel Director shall, with the approval of the Personnel Board, allocate each position in the classified service to the appropriate class therein on the basis of its duties and responsibilities. Any employee whose position is allocated to one of the classes as provided shall be given an opportunity to study the specifications for the class to which the employee's position has been allocated and the specifications of other related classes to assist the employee in determining whether the allocation appears correct. Any such employee shall be given the opportunity to request a review and hearing on the allocation so made before the Personnel Board. (Ord. 15488 §18; March 12, 1990: P.C. §2.58.170: Ord. 7208 §17; June 20, 1960).

#### **2.76.100 Classification Plan; Administration.**

Once the classification plan is adopted, the director shall be charged with the responsibility for its proper continued administration so that it will reflect the duties being performed by each employee in the classified service and the class to which each position is allocated.

(a) New allocations. Whenever a department head desires to add a position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the director in such manner and on such forms as the director shall provide. The director shall promptly allocate such position and shall notify the department head of the official allocation.

(b) Reallocation. Whenever a department head desires to make any permanent and substantial change in the duties or responsibilities of a position, written notification of the proposed change shall be submitted to the director for determination of the proper allocation of the position. After due investigation,

the director shall promptly notify the department head of such allocation. The director may, upon the director's own initiative or at the request of a department head or regular employee, study the duties of any position to determine if its allocation is proper. Following such study, the director may reallocate the position to the appropriate class.

(c) Effect of reallocation. A regular employee occupying a position which has been reallocated shall continue in the position only if the employee possesses the qualifications of training and experience requisite for such position. In any case, where an incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the layoff provisions of these rules shall apply. A regular employee whose position is reallocated or reclassified by virtue of a gradual change in the duties and responsibilities and not because of assignment to another position may, at the discretion of the director, qualify for the position under the new classification by successfully passing a noncompetitive examination. If a regular employee's position is, as a result of a position audit, reallocated to a classification with a higher maximum pay range, the provisions of Section 2.76.130 shall prevail.

(d) Review of allocation. A regular employee may at any time submit a written request to the director for a review of the allocation of the employee's position. This request must set forth the employee's reasons justifying a review. The director shall make an investigation of the position with a view of determining its correct allocation and shall report any findings to the employee. An employee may appeal the allocation of the employee's position to the Personnel Board within seven working days following the receipt of the result of a position audit if the employee's position is downgraded to a class with a lower pay range. An employee whose position allocation results in the position remaining the same shall have the right to request a formal reconsideration by the Personnel Director or the director's designated representative knowledgeable about such matters. There shall be no right of appeal from the reconsideration to the Personnel Board. (Ord. 16531 §1; December 13, 1993; prior Ord. 15488 §19; March 12, 1990: P.C. §2.58.180; Ord. 15273 §1; August 28, 1989; Ord. 14067 §1; March 25, 1985; Ord. 12168 §2; December 27, 1977; Ord. 8619 §10; December 21, 1964; Ord. 7208 §18; June 20, 1960).

## **2.76.105 Classification Plan; Class Specifications .**

(a) Content of specifications. The Personnel Director shall provide and may amend, as provided in the rules, written specifications for each class in the classification plan. Each class specification shall include the class title, a description of the duties and responsibilities of the work, and a statement of the qualifications a person shall possess to enter upon the duties of a position of the class with reasonable prospects of success.

(b) Interpretation of specifications. The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities and are not to be construed as declaring what the duties or responsibilities of any position may be, or as limiting or modifying the power of any department head to assign, direct, or control the work of employees under such department head's supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

(c) Use in allocations. In determining the class to which any position should be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relationships to other classes, as a composite description of the kind and employment which the class is intended to embrace.

(d) Qualifications statements. Personal qualifications commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications. The statement of qualifications required in the specifications for any class shall constitute the basis and source of authority for the tests to be included in examinations for the class and the evaluation of the qualifications of applicants. Qualifications enumerated in a class specification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications which employees already working in such a class may actually possess. (Ord. 15488 §20; March 12, 1990: P.C. §2.58.190: Ord. 7208 §19; June 20, 1960).

#### **2.76.110 Classification Plan; Use of Class Titles.**

The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, and official records and reports relating to the position. Any abbreviations or code symbols requested by a division and approved by the Personnel Director, and for payroll or budgetary purposes approved by the Finance Director, may be used in lieu of the class title to designate the class of a position for official records. Any other working title desired and authorized to be used by the department head may be used as a designation of any position for purposes of internal administration or in oral or written contacts with the public. (Ord. 15488 §21; March 12, 1990: P.C. §2.58.200: Ord. 7208 §20; June 20, 1960).

#### **2.76.115 Compensation Plan; Preparation.**

The Personnel Director shall be responsible for developing a recommended pay plan and for periodically reviewing that plan, which shall cover all positions in the classified service and shall be based on the principle of equal pay for equal work. The plan shall prescribe the manner of its administration, including the methods of fixing individual pay rates and of rewarding pay increases within established ranges. The plan shall also, as necessary, reflect those negotiated pay rates included in collective bargaining agreements which have been approved by the City Council. (Ord. 15488 §22; March 12, 1990: P.C. §2.58.210: Ord. 14148 §1; July 15, 1985: Ord. 7208 §2; June 20, 1960).

#### **2.76.120 Compensation Plan; Adoption.**

As soon as practicable, the Personnel Director shall prepare a recommended pay plan and, except for those portions of the pay plan reflecting pay rates included in collective bargaining agreements approved by the City Council, shall submit it to the Personnel Board for its consideration and approval. When approved by the Personnel Board, with or without amendments, the plan shall be submitted to the Mayor, who in turn shall submit it along with comments to the council. The plan, including portions reflecting pay rates included in collective bargaining agreements approved by the City Council, shall become effective when adopted as an ordinance by the council. Amendments to the plan shall be made in the same manner as is prescribed herein for the original adoption of the plan. (Ord. 15488 §23; March 12, 1990: P.C. §2.58.220: Ord. 14148 §2; July 15, 1985: Ord. 7208 §22; June 20, 1960).

### **2.76.125 Compensation Plan; Amendments.**

Whenever new classes become a part of the classification plan, the director shall make such studies as he deems necessary of the factors affecting such salary. Thereafter, the salary ranges for such classes shall be adopted in the same manner as set out in Section 2.76.120. (Ord. 15488 §24; March 12, 1990: P.C. §2.58.230: Ord. 13544 §1; February 28, 1983: Ord. 8619 §11; December 21, 1964: Ord. 7208 §23; June 20, 1960).

### **2.76.130 Compensation Plan; Position and Pay Range Allocation.**

(a) In those cases where a classification prefixed by "E" or "M" is allocated to a higher pay range, the employee in the classification shall be paid at the minimum rate of the new pay range or at his current rate of pay if it is within the new pay range, whichever is greater. The Mayor may, with the recommendation of the Personnel Director and at the request of a department head, adjust pay when it is consistent with the spirit and purpose of the merit system. There shall be no change in the employee's eligibility date as a result of such allocation.

In those cases where a classification prefixed by "E" or "M" is allocated to a lower pay range, an employee in such classification shall be paid at the same rate of pay in the lower pay range; provided, however, if the employee's rate of pay exceeds the maximum rate of pay in the lower pay range, the employee's rate of pay shall be frozen until such maximum rate of pay in such lower pay range is increased so that it exceeds the employee's rate of pay. When the maximum rate meets or exceeds the employee's frozen rate, the employee's frozen rate of pay shall then be increased to the maximum rate, but if the maximum rate does not meet or exceed the employee's frozen rate of pay within one year after such allocation, the employee's rate of pay will be reduced four and one-half percent or to the maximum rate, whichever results in the smallest decrease in pay, and each year thereafter, the employee's rate of pay shall be similarly reduced until the employee's rate of pay equals the maximum rate.

(b) In those cases where a classification prefixed by "N" or "X" is allocated to a higher pay range, the employee in the classification shall be paid at the minimum rate of the new pay range, or at the next higher step in the new range above his present rate of pay, whichever is applicable. There shall be no change in the employee's eligibility date as a result of such allocation.

In those cases where a classification prefixed by "N" or "X" is allocated to a lower pay range, the employee in the classification shall be paid at the same rate until the pay range is increased to include the employee's rate of pay. However, if after one year the employee's rate of pay continues to exceed the maximum rate for the classification as reallocated, he shall begin receiving the maximum rate for that classification.

(c) In those cases where a position is reallocated to a classification prefixed by "E" or "M" with a higher maximum pay range, the reallocated employee shall be paid at the minimum rate of the new pay range, or five percent above his rate of pay prior to reallocation, whichever is greater. The effective date of the reallocation shall be used to establish a new eligibility date, which shall be one year from the date of the reallocation.

In those cases where a position is reallocated to a classification prefixed by "E" or "M" with a lower maximum pay range, the same provisions shall apply as have been established for the allocation of a classification to a lower pay range pursuant to subsection (a) of this section.

(d) In those cases where a position is reallocated to a classification prefixed by "N" or "X" with a higher maximum pay range, the rate of the reallocated employee shall be increased to that step in the new

pay range next above his rate of pay prior to reallocation. The effective date of the reallocation shall be used to establish a new eligibility date, which shall be one year from the date of the reallocation.

In those cases where a position is reallocated to a classification prefixed by "N" or "X" with a lower maximum pay range, the same provisions shall apply as have been established for the allocation of a classification to a lower pay range pursuant to subsection (b) of this section.

(e) In those cases where a position is reallocated to a classification with the same maximum pay range, the rate of the reallocated employee shall remain unchanged and there shall be no change in eligibility date. (Ord. 17708 §1; August 7, 2000: prior Ord. 16661 §1; August 22, 1994: Ord. 16531 §2; December 13, 1993: Ord. 16448 §1; August 23, 1993: 15698 §1; August 20, 1990: Ord. 15488 §25; March 12, 1990: P.C. §2.58.231: Ord. 14958 §1; August 22, 1988: Ord. 12168 §3; December 27, 1977: Ord. 10589 §§4, 6; October 9, 1972: Ord. 9029 §1; June 6, 1966).

#### **2.76.135 Compensation Plan; Merit Pay Plan Established**

For the purpose of compensating employees on the basis of progressive improvement in job or professional performance in the city service, there is hereby established a merit pay plan of the City of Lincoln which shall consist of established pay ranges for each job classification with approximate three and one-half percent merit pay separations therein. Employment will usually begin at step "A", although candidates for employment with special qualifications may be employed at an intermediate step in a pay range upon the request of the appointing authority and with the approval of the Personnel Director. The maximum merit pay rate shall be step "J". Job classifications shall have a maximum of ten merit pay steps; however, there may be job classifications where less than ten steps may be used to reflect the appropriate minimum and maximum pay rates. This section applies only to ranges prefixed by "N" or "X". (Ord. 18046 §1; August 5, 2002: prior Ord. 16661 §2; August 22, prior Ord. 16448 §2; August 23, 1993: Ord. 15488 §26; March 12, 1990: P.C. §2.58.235: Ord. 14958 §2; August 22, 1988: Ord. 14739 §1; September 8, 1987: Ord. 14318 §1; February 10, 1986: Ord. 12168 §4; December 27, 1977: Ord. 10589 §1; October 9, 1972).

#### **2.76.140 Compensation Plan; Beginning Salary.**

The minimum rate of pay for a class shall normally be paid to any person upon original appointment to a position in the class. Original appointment above the minimum rate may be paid if a department head submits a written request outlining reasons for such action for the approval of the director. Approval shall be granted only when there is a lack of available eligibles at the minimum rate or in recognition of exceptional qualifications of an eligible. Whenever such action is authorized, the director shall make a study of like positions in the service to determine whether the existing salary range is appropriate, whether such proposed rate represents an unreasonable departure from rates of other employees so classified, and whether the salary range should be amended to enable the employment of sufficient qualified employees at the minimum rate.

When any employee is reemployed in a class in which such employee was previously employed, the director may authorize an appointment at the salary in the range for the class corresponding to that which the employee had been receiving upon the termination of the employee's previous service. (Ord. 15488 §27; March 12, 1990: P.C. §2.58.236: Ord. 14318 §2; February 10, 1986: Ord. 10589 §1; October 9, 1972: Ord. 8619 §12; December 21, 1964: Ord. 7208 §24; June 20, 1960).

#### **2.76.145 Compensation Plan; Merit Pay Plan; Administration and Requirements for Advancement.**

(a) Advancement by an employee through the merit pay steps in the merit pay plan shall be on the basis of performance as determined by the employee's department head. In making the decision as to whether or not an employee deserves and shall receive a merit pay step increase, the department head must find that the employee being considered has performed in a commendable or outstanding manner.

A merit step increase shall be awarded only when an employee receives the score required for an increase. In any case where a merit increase has been denied, the next eligibility date for receipt of a merit step increase will be one year from the current eligibility date, at which time the employee must receive the score required for an increase. Supplemental ratings may be done throughout a rating period, but merit step increases may not be granted other than on the employee's eligibility date.

Merit increases shall be awarded on the basis of performance only, and under no circumstances shall any department head award or deny any employee a merit step increase on the basis of personal or political favoritism or discrimination.

(b) A probationary employee shall become eligible for a one-step merit pay increase in accordance with the standards specified in subparagraph (a) above after completion of the probationary period of employment. Except as otherwise provided in subparagraph (c) below and Section 2.76.150, a one-step merit pay increase, subsequent to the first such increase after completion of the probationary period of employment, may be granted no more often than one year of service from the date the last merit step increase became effective. Merit step increases shall take effect at the beginning of the pay period in which the pay eligibility date occurs for pay ranges prefixed by "P" or "F". Merit step increases shall take effect at the beginning of the first full pay period following the established eligibility date for pay ranges prefixed by "N" or "X". Salary increases or decreases resulting from the amendment of the compensation plan in accordance with Sections 2.76.125 and 2.76.130 shall have no effect on the within-range merit step increases authorized by this section unless otherwise specified in Section 2.76.130.

(c) Upon a showing by an employee of exceptional and unusual circumstances in connection with his classification and with the recommendation of the appointing authority, the Mayor may grant permanent one- or two-step merit increases which are consistent with the spirit and purpose of the merit system provisions of the city charter. The effective date of the merit step increase(s), granted in accordance with this subparagraph (c), shall be used to establish a new eligibility date, which shall be one year from the effective date of the merit step increase(s). This subsection applies only to ranges prefixed by "N", "X", "F", or "P". (Ord. 17891 §1; August 13, 2001: prior Ord. 17396 §1; August 10, 1998: Ord. 16448 §3; August 23, 1993: Ord. 15968 §1; September 16, 1991: Ord. 15488 §28; March 12, 1990: P.C. §2.58. 237: Ord. 14958 §3; August 22, 1988: Ord. 14740 §1; September 8, 1987: Ord. 14318 §3; February 10, 1986: Ord. 13429 §1; August 2, 1982: Ord. 12168 §5; December 27, 1977: Ord. 10589 §3; October 9, 1972).

#### **2.76.150 Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional Service.**

Additional pay increases to recognize exceptional service may also be granted by awarding a one- or two-step increase which may be authorized for periods of six, twelve, eighteen, or twenty-four pay periods and will automatically terminate on the expiration of the authorized time unless renewed by the same procedure as is required for original approval. For an employee being paid at the maximum rate of his pay range, a temporary exceptional service increase may be granted. Such pay increase shall not exceed three

and one-half percent of the employee's current annualized salary, or \$300.00, whichever is greater, to be paid in two, four, or six pay periods. Increases for exceptional service shall be paid only on recommendation of the department head supported by a convincing showing in writing of exceptional service as related to specific criteria to be recommended by each department applicable to its own work and approved by the Director of Personnel. This section applies only to ranges prefixed by "N", "X", "F", or "P".

The Director of Personnel shall annually send a written report to the Mayor listing employees approved for exceptional service pay increases. (Ord. 18076 §2; October 21, 2002: prior Ord. 17635 §1; March 13, 2000: Ord. 16448 §4; August 23, 1993: Ord. 15488 §29; March 12, 1990: P.C. §2.58. 238: Ord. 14958 §4; August 22, 1988: Ord. 14741 §1; September 8, 1987: Ord. 14318 §4; February 10, 1986: Ord. 14031 §1; January 14, 1985: Ord. 10589 §4; October 9, 1972: Ord. 8619 §14; December 21, 1964).

#### **2.76.153 Compensation Plan; Merit Pay Plan; Shift Differential.**

Probationary and regular employees in pay ranges prefixed by "N" or "X" who are regularly assigned to second and third shifts shall be paid an additional twenty cents per hour for second shift and thirty cents per hour for third shift. The differential pay per hour shall be included as an addition to their current hourly rate. To be entitled to second shift differential pay, an employee must work a majority of his regularly scheduled shift hours between 5:00 p.m. and 11:59 p.m. To be entitled to third shift differential pay, an employee must work a majority of his regularly scheduled shift hours between 11:59 p.m. and 9:00 a.m. Current hourly rate shall mean the hourly rate of pay which is applicable to the employee's regularly assigned job classification; provided, however, that if an employee is entitled to out-of-class pay, the employee's current hourly rate shall be the applicable out-of-class hourly rate of pay.

Probationary and regular employees in pay ranges prefixed by "C" who are regularly assigned to second and third shifts shall be paid an additional thirty cents per hour for second shift and thirty-five cents per hour for third shift. The differential pay per hour shall be included as an addition to their current hourly rate. To be entitled to second shift differential pay, an employee must work a majority of his regularly scheduled shift hours between 5:00 p.m. and 11:59 p.m. To be entitled to third shift differential pay, an employee must work a majority of his regularly scheduled shift hours between 11:59 p.m. and 9:00 a.m.

Employees who are entitled to shift differential pay shall also receive the shift differential pay in addition to their current hourly rate for paid leaves of absence such as vacation, sick leave, holiday pay, and funeral leave. For the purpose of computing overtime pay, an employee's "regular hourly rate", as defined by the Fair Labor Standards Act, shall include the additional twenty, thirty or thirty-five cents per hour shift differential. (Ord. 18225 §1; August 11, 2003: prior Ord. 17891 §2; August 13, 2001: Ord. 16661 §3; August 22, 1994: Ord. 15968 §2; September 16, 1991).

#### **2.76.155 Compensation Plan; Longevity Pay.**

(a) Employees with a pay range prefixed by the letter "E" or "M" shall annually receive longevity pay based upon the total length of service with the city. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made on a prorated basis on each regular payday. The longevity schedule shall be as follows:



<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 years	\$ 266.00
10 years	\$ 464.00
15 years	\$ 734.00
20 years	\$ 927.00
25 years	\$1,191.00

Employees with a pay range prefixed by the letter "E" or "M", hired August 29, 1991 or after, shall annually receive longevity pay based upon total continuous length of service with the city. For the purpose of longevity pay, any employee who terminates employment and who is later reemployed shall be treated as a new employee.

(b) Employees with a pay range prefixed by the letter "X" or "N" shall annually receive longevity pay based upon the total length of service with the city. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range prefixed by "X" or "N" who are scheduled to work less than forty but at least twenty hours per week shall receive longevity pay based on the number of hours worked each pay period. The longevity schedule shall be as follows:

<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 years	\$ 215.00
10 years	\$ 405.00
15 years	\$ 612.00
20 years	\$ 816.00
25 years	\$1,002.00

Employees with a pay range prefixed by the letter "X" or "N", hired August 29, 1991 or after, shall annually receive longevity pay based upon total continuous length of service with the city. For the purpose of longevity pay, any employee who terminates employment and who is later reemployed shall be treated as a new employee. (Ord. 17789 §1; February 5, 2001: prior Ord. 16448 §5; August 23, 1993: Ord. 15968 §3; September 16, 1991: Ord. 15699 §1; August 20, 1990: Ord. 15488 §30; March 12, 1990: P.C. §2.58.248: Ord. 15274 §1; August 28, 1989).

#### **2.76.160 Compensation Plan; Variable Merit Pay Plan.**

Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the compensation plan for employees in classifications with pay ranges prefixed by the letters "A", "C", "E", and "M" shall provide for the awarding of merit increases within established pay ranges based upon the employee's level of performance and shall be entitled "the variable merit pay plan." The specific method of implementing and administering this plan shall be set out in an executive order of the Mayor which shall, among other things, provide for:

(a) Variable merit increases of between zero and six percent. Merit increases shall be effective beginning the first full pay period following the established eligibility date;

(b) A four and one-half percent increase upon successful completion of the original probationary period;

(c) Temporary exceptional service awards not to exceed four percent of the employee's current annualized salary to be paid in two, four, or six pay periods;

Such increases shall be paid only on recommendation of the department head supported by a convincing showing in writing of exceptional service or unusual circumstances as related to specific criteria to be recommended by each department and approved by the Personnel Director.

The Personnel Director shall annually send a written report to the Mayor listing employees approved for exceptional service pay increases.

(d) The Personnel Director, with the approval of the Mayor, may grant permanent salary increases within an employee's pay range that are consistent with the spirit and purpose of the merit system provisions of the City Charter if a department head presents written evidence of unusual circumstances. The effective date of any increase granted in accordance with this subsection shall be used to establish a new eligibility date, which shall be one year from the effective date of such increase. This subsection applies only to pay ranges prefixed by "E" or "M".

(e) The eligibility date for evaluating performance of employees will be determined by completion of the original probationary period, and the effective date of promotion, demotion, reallocation, or layoff;

Employees in pay ranges prefixed by the letter "M" may have their eligibility dates adjusted when necessary or appropriate for proper operation of any goal-oriented employee evaluation program implemented by any department. The department head shall forward a written request for such an adjustment to the Personnel Director who may, at his discretion, approve the request. The eligibility date of an employee shall not be adjusted under this subsection more often than once in any twelve-month period;

(f) Establishment of a committee to review and approve all merit increases in excess of five percent. (Ord. 17891 §3; August 13, 2001: prior Ord. 17708 §2; August 7, 2000: Ord. 17691 §1; July 10, 2000: Ord. 17635 §2; March 13, 2000: Ord. 16702 §1; November 21, 1994: Ord. 16448 §6; August 23, 1993: Ord. 15968 §4; September 16, 1991: Ord. 15700 §1; August 20, 1990: Ord. 15488 §31; March 12, 1990: P.C. §2.58.249; Ord. 15275 §1; August 28, 1989: Ord. 14958 §6; August 22, 1988: Ord. 14743 §1; September 8, 1987: Ord. 14317 §1; February 10, 1986).

#### **2.76.165 Acting Department Head Salary.**

Whenever an employee is designated by the appointing authority as acting department head, then such employee's salary shall be adjusted to show an increase of an amount not to exceed twelve and one-half percent, beginning upon the date on which such employee shall have assumed such duties and continuing until such employee has been relieved of such duties. (Ord. 15488 §32; March 12, 1990: P.C. §2.58.251; Ord. 13011 §1; October 13, 1980).

#### **2.76.170 Compensation Plan; Salary Decreases.**

A department head may reduce for cause the salary of an employee within the salary range prescribed for the class. In the case of a regular employee, notice of intention to effect a reduction in pay and the reasons for such action shall be given to the employee and to the director not less than ten working days prior to the effective date of reduction. A regular employee whose salary is reduced shall be entitled

to a hearing before the Personnel Board. (Ord. 15488 §33; March 12, 1990: P.C. §2.58.252: Ord. 12168 §7; December 27, 1977: Ord. 8619 §15; December 21, 1964).

**2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion.**

(a) In the case of promotion for an employee with a pay range prefixed by "N" or "X", the rate of the promoted employee shall be increased to that step in the higher range next above his rate of pay prior to promotion. In the case of promotion for an employee with a pay range prefixed by "E" or "M", such increase is intended to be at least five percent. In the case of transfer, the employee's rate will remain unchanged at the time of transfer. In the case of an involuntary demotion for an employee with a pay range prefixed by "E" or "M", the rate of pay shall be reduced at least four and one-half percent. Under no circumstances shall the new rate exceed the maximum rate for the lower class in the variable merit pay plan.

In the case of a voluntary demotion for an employee with a pay range prefixed by "E" or "M", the employee concerned shall normally be paid at the same rate in the lower pay range. If the employee's rate of pay exceeds the maximum rate of the lower pay range, the employee's rate of pay shall be frozen (red-circled) until such time that the maximum rate, through general increases, makes sufficient upward movement so that it exceeds the employee's rate of pay. When the maximum rate meets or exceeds the employee's frozen (red-circled) rate through general increases, the employee's frozen rate of pay shall then increase to the maximum rate. However, if after one year the maximum rate does not meet or exceed the employee's frozen (red-circled) rate of pay, the employee's rate of pay will be reduced four and one-half percent (4.5%) or to the maximum rate, whichever results in the smallest decrease in pay. Each year thereafter, the employee's rate of pay shall be reduced an additional four and one-half percent (4.5%) or to the maximum rate, whichever results in the smallest decrease in pay.

In the case of demotion for an employee with a pay range prefixed by "N" or "X", the rate of the demoted employee shall be reduced to the next lower step for the lower class and under no circumstances shall the new rate exceed the maximum rate for the lower class in the merit pay plan.

(b) A promotion of any employee during such employee's probationary period shall have the effect of ending the probationary period for that employee and making such employee a regular employee. However, a reclassification of a probationary employee to a position in a newly created class with a higher pay range will not terminate the probationary period.

(c) Any regular employee with a pay range prefixed by "A", "M" or "P" may be temporarily promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary than provided by such employee's current pay range. Such temporary promotion must first be approved in writing by the director only after the department head demonstrates that the employee is qualified for the vacant position. Once granted, the employee must actually perform the duties of the vacant position and shall be paid at the rate of at least five percent above the employee's current base salary, or at the minimum rate of the established range of the vacant position, whichever is greater, but any increase in pay greater than five percent must be approved in writing by the Director. No temporary promotion shall be granted for less than forty hours or continue longer than one year from the date of the original assignment and approval by the Director. (Ord. 17708 §3; August 7, 2000: prior Ord. 16747 §1; March 13, 1995: Ord. 16661 §4; August 22, 1994: Ord. 16448 §7; August 23, 1993: Ord. 16217 §1; September 14, 1992: Ord. 15701 §1; August 20, 1990: Ord. 15488 §34; March 12, 1990: P.C. §2.58.253: Ord. 14958 §8; August 22, 1988: Ord. 14744 §1; September 8, 1987: Ord. 14318 §6; February 10, 1986: Ord. 14174

§1; August 19, 1985: Ord. 12168 §8; December 27, 1977: Ord. 9281 §1; July 28, 1967: Ord. 8619 §16; December 21, 1964).

**2.76.180 Compensation Plan; Part-time, Temporary, and Seasonal Employment.**

Part-time, temporary, or seasonal employees shall be compensated on the basis of the equivalent hourly rate for full-time employment in that class of work in which they are employed. (Ord. 15488 §35; March 12, 1990: P.C. §2.58.254: Ord. 8619 §17; December 21, 1964).

**2.76.185 Compensation Plan; Overtime and Holiday Payment.**

Overtime pay, arrangements for overtime pay, holiday work pay, and arrangements for holiday work pay must be approved in advance by the department head in accordance with policies established by the Mayor. The policies established by the Mayor shall be in accordance with the standards set forth in Article IX-A of the Charter of the City of Lincoln. (Ord. 15488 §36; March 12, 1990: P.C. §2.58.255: Ord. 9370 §1; December 26, 1967: Ord. 8619 §18; December 21, 1964).

**2.76.190 Compensation Plan; Maintenance Allowance.**

The official salary range for each class of work represents full compensation and the value of any maintenance received by an employee as compensation in the form of food, lodging, utilities, and the like shall be deducted from such employee's salary. Department heads shall report the full particulars of all such allowances to the Finance Director who shall determine appropriate cash values after giving consideration to such factors as the condition of each individual employment, the benefit gained by the city as a result of providing the employee with such maintenance, and the estimated cash value of such subsistence. (Ord. 15488 §37; March 12, 1990: P.C. §2.58.256: Ord. 8619 §19; December 21, 1964).

**2.76.195 Compensation Plan; Travel and Other Official Expenditures.**

The prescribed rates of pay do not include allowances made for official travel or other expenses incurred in city business or allowances made to employees for the official use of personally owned automotive equipment. (Ord. 15488 §38; March 12, 1990: P.C. §2.58.257: Ord. 8619 §20; December 21, 1964).

**2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification.**

(a) Any regular employee in a pay range prefixed by "C" or "E" who is temporarily assigned to work in a budgeted position in a class with a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works three or less consecutive work days in the higher classification shall be compensated at the minimum rate established for the higher class or at the employee's current rate of pay, whichever is greater, for each consecutive eight hours or more of work performed during any regularly assigned work shift served in the higher class. If an employee works more than the three consecutive work days, that employee shall be compensated for all the time worked in the higher classification. Such employee will be compensated at the minimum rate established for the higher class, or at the rate of five percent above the employee's current rate of pay, whichever is greater.

(b) Any regular employee, in a pay range prefixed by "X" who is temporarily assigned to work in a permanent position in a class with a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works a minimum of eight or more consecutive hours

in the higher classification shall receive at least a step increase in pay for the original eight consecutive hours worked plus any additional consecutive hours worked in the higher classification. The employee who is temporarily assigned to serve, and actually does serve in a higher level position, must be fully qualified to perform the full range of duties of the higher level position, even though he may not actually perform the full range of duties during the time he is temporarily assigned to the higher classification. In the event an employee is temporarily assigned to a higher classification and requests and receives approval for paid leave, such paid leave shall be compensated at the employee's rate of pay prior to being temporarily assigned to the higher classification.

(c) Project Leader. When an employee is required to perform duties outside of his or her normal job duties due to special or unusual circumstances, a department head or his or her designated representative may appoint such employee to serve as a project leader. The appointment shall last no longer than the length of the project, or for one year, whichever is less. If an employee with a pay range prefixed by "A", "C", "E" or "M" is appointed as a project leader they shall receive an increase in compensation of up to ten percent while in the status of project leader. The appointment must be approved by the Director in whatever form he or she may require.

(d) Crew Leader. A department head or his or her designated representative may appoint any employee to serve as crew leader. The appointment shall be for the purpose of performing duties outside of his or her normal job duties as they relate to a special project assignment or performing duties outside of his or her normal job duties for the purpose of performing work that needs to be done to accomplish the daily work of the department or division. The appointment may last up to one year and may be extended, with review by the Director, due to special circumstances. If an employee with a pay range prefixed by an "X" or "N" is appointed as a new crew leader, they shall receive an increase in compensation of one step above their current rate of pay, or three and one-half percent if at step J. The appointment must be approved by the Director in whatever form he or she may require. (Ord. 18225 §2; August 11, 2003: prior Ord. 18076 §3; October 21, 2002: Ord. 18046 §2; August 5, 2002: Ord. 17396 §2; August 10, 1998: Ord. 16661 §5; August 22, 1994: Ord. 16448 §8; August 23, 1993: Ord. 15488 §39; March 12, 1990: P.C. §2.58.258: Ord. 11811 §1; October 18, 1976: Ord. 11489 §1; October 20, 1975: Ord. 8619 §21; December 21, 1964).

#### **2.76.202 Wage Adjustment.**

When the Personnel Director determines that pay for out-of-class pay, temporary promotions, project or crew leader assignments, or the reallocation of an employee to a higher pay range is or has been delayed or is otherwise not in accordance with contract or code provisions, the Director may authorize that the employee be compensated retroactively for up to six months to correct the difference in pay the employee should have received. (Ord. 17806 §1; March 12, 2001).

#### **2.76.205 Compensation Plan; Call-in Pay.**

Employees entitled to overtime pay who are called back to work for emergency duty as determined by the department head shall be paid at the overtime rate for their position classification, with a minimum of two hours pay. When called back more than once in the same twelve hours after closing time or on a regular day off, they shall be paid for the original two hours and for any additional time worked on subsequent calls. A day off shall be considered to begin and end at the same time as a regular work day, and work continuing into a day off from a previous call back shall not be entitled to the two hour premium.

(Ord. 15488 §40; March 12, 1990: P.C. §2.58.259: Ord. 15276 §1; August 28, 1989: Ord. 11489 §2; October 20, 1975: Ord. 8805 §1; August 30, 1965: Ord. 8619 §22; December 21, 1964).

#### **2.76.210 Recruitment and Examinations.**

(a) Purpose. It is the purpose of recruitment to provide an equitable and effective means for bringing competent employees into the service. This involves:

(1) Announcement of vacancies in the classified service to be filled by appointment so that all who are interested may make application;

(2) Establishment and administration of tests or other measures designed to determine the ability of applicants to perform the work satisfactorily;

(3) The certification of qualified applicants to fill vacancies.

(b) Public announcement of vacancies. The Personnel Director shall make announcement of all vacancies in the classified service which are to be filled by appointment by means of announcements posted on the official bulletin board of the Personnel Department. Length of posting shall be based on type of position being recruited and number of qualified candidates. Announcements of vacancies shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants. The announcements shall specify the title and salary range of the class for which the vacancy is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice. (Ord. 15488 §41; March 12, 1990: P.C. §2.58.260: Ord. 12168 §9; December 27, 1977: Ord. 8619 §23; December 21, 1964: Ord. 7208 §26; June 20, 1960).

#### **2.76.215 Application.**

(a) Application form. All applications shall be made on forms prescribed by the Personnel Director and shall be filed with the director on or prior to the closing date specified in the announcement or postmarked before midnight of that date. Applications may require information concerning the applicant's background of training and experience, education, references, residence, physical fitness, and other pertinent information. All applications shall be signed and the truth of the statements contained therein certified by such signature. The director shall require such proof of age, education, experience, and other claims as may be appropriate.

(b) Freedom from bias. No question in any application form or in any examination shall be so framed as to elicit any information concerning the political or religious opinions or affiliations or race of any applicant, nor shall inquiry be made concerning such opinions or affiliations and all such disclosures thereof shall be discountenanced, except that the city may inquire whether any person employed or retained in the city service advocates or belongs to an organization advocating the overthrow or change of our government by force or violence.

(c) Admission to examinations. Persons who submit applications on or before the last date for filing, and whose applications clearly show that the applicants meet the requirements for admission to the examination as specified in the official announcement, shall be admitted to compete in the examination for which they are applying. Where doubt exists as to whether an applicant meets the requirements for admission to an examination, the Personnel Director may authorize conditional admission to the

examination, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the director's satisfaction. Each applicant whose application has been accepted for any examination shall be notified of the date, time, and place of the examination. No person shall be permitted to take any examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of their application by the director. (Ord. 15488 §42; March 12, 1990: P.C. §2.58.261; Ord. 8619 §24; December 21, 1964).

#### **2.76.220 Age Requirements.**

(a) Civilian positions. All applicants for positions in the civilian classified service shall not be less than sixteen years of age or as otherwise required by state or federal regulation for specific positions.

(b) Uniform positions. All applicants for entrance level commissioned positions in the police department shall not be less than twenty-one years of age; and in the Fire and Rescue Department shall not be less than nineteen years of age. (Ord. 18170 §15; April 28, 2003; prior Ord. 15488 §43; March 12, 1990: P.C. §2.58.262; Ord. 15362 §1; December 11, 1989: Ord. 15262 §1; August 21, 1989: Ord. 15056 §1; November 28, 1988: Ord. 14246 §1; October 14, 1985: Ord. 12338 §6; July 17, 1978: Ord. 12168 §10; December 27, 1977: Ord. 9778 §1; May 19, 1969: Ord. 9538 §1; July 8, 1968: Ord. 9452; April 8, 1968: Ord. 8619 §25; December 21, 1964).

#### **2.76.225 Medical Examination.**

Applicants for positions may be required to undergo a medical examination by a physician to determine physical and mental fitness to perform work in the position for which application is made. (Ord. 15488 §44; March 12, 1990: P.C. §2.58.263; Ord. 8619 §26; December 21, 1964).

#### **2.76.230 Disqualification.**

The Personnel Director may refuse to examine an applicant, or after examination, may disqualify such applicant or remove the applicant's name from an eligible list or refuse to certify the applicant or may consult with the appointing authority in taking steps to remove such person already appointed if the applicant:

- (a) Is found to lack any of the established qualification requirements for the position.
- (b) Is physically or mentally disabled as to be rendered unfit for the performance of the duties of the class.
- (c) Is addicted to the habitual or excessive use of drugs or intoxicating beverages.
- (d) Has made a false statement of material fact in this application.
- (e) Has used or attempted to use political pressure or bribery to secure an advantage in the examination.
- (f) Has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled.
- (g) Has failed to submit the application correctly or within the prescribed time limits.
- (h) Has taken part in the compilation, administration, or correction of the examination for which such person is an applicant.
- (i) Has previously been dismissed from a position in the city service for cause or has resigned while charges for dismissal for cause were pending.

- (j) Has been convicted of a crime or of disgraceful conduct.
- (k) Has willfully violated the provisions of these rules and regulations.
- (l) Has established an unsatisfactory employment or personnel record as evidenced by reference check of such nature as to demonstrate unsuitability for employment.
- (m) Is not within the age limits prescribed in the class specifications.
- (n) Or for such other reasons considered by the director that employment of the individual would be detrimental to the best interests of the city.

Whenever an application is rejected, notice of such rejection shall be given to the applicant by the director. Applications, whether accepted or rejected, shall remain on file and shall not be returned. (Ord. 15488 §45; March 12, 1990: P.C. §2.58.264: Ord. 8619 §27; December 21, 1964).

#### **2.76.235 Examinations; Selection by Examination.**

All appointments to positions in the classified service shall be made according to merit and fitness. Merit and fitness shall be ascertained insofar as practicable by examinations which shall be prepared by or under the direction of the Personnel Director and shall relate to those matters which will test fairly the capacity and fitness of candidates to discharge efficiently the duties of the positions for which examinations are held. Admittance to such examinations may be limited to regular employees in the city service when the Personnel Director, after consultation with the department head concerned, determines that there are a sufficient number of qualified candidates within the classified service to provide competition. (Ord. 15488 §46; March 12, 1990: P.C. §2.58.265: Ord. 8619 §28; December 21, 1964).

#### **2.76.240 Examinations; Eligibility Requirements.**

(a) Open competitive examinations. Examinations designed to establish eligible lists shall be open to all citizens of the United States, regardless of residence, registered aliens, and persons who have obtained working papers from the federal government who may be lawfully appointed to a position in the class concerned, and who appear to meet the qualifications and other requirements for the class as set forth in the vacancy announcement.

(b) Promotional examinations. Promotional examinations shall be open to any employee who appears to meet the qualifications. Admission to promotional examinations may be restricted by the Personnel Director to employees of a specific division or department when such action is in the best interest of the city. (Ord. 15488 §47; March 12, 1990: P.C. §2.58.266: Ord. 12168 §11; December 27, 1977: Ord. 8619 §29; December 21, 1964).

#### **2.76.245 Examinations; Character of Examinations.**

(a) Competitive examinations. Examinations shall relate to those matters which fairly test the capacity, merit, and fitness of the persons examined to discharge the duties of the position sought by them. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, personality, physical fitness as determined by physical and/or medical examination, or any other qualifications or attributes which in the judgment of the director enter into the determination of the relative fitness of applicants.

(b) Promotional examinations. Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall



take into consideration the quality and length of service where records are available to provide the basis for such rating.

(c) Noncompetitive examinations. The director may conduct a noncompetitive promotional examination to establish eligibility for appointment to a higher class in the case of a regular employee whose position is reallocated in recognition of a gradual change in the employee's duties and responsibilities.

(d) Open continuous examinations. When necessary to meet continued requirements for filling positions and there is not available a sufficient number of applicants for a class, the closing date for any examination may be indefinite and applicants may be tested continuously in such manner and at such times and places as the director may provide. No applicant who fails to achieve a passing score in such an open continuous examination may compete again in the written portion of the same examination for a period of six months following the original date of taking the examination.

(e) Simplified examination procedure. For positions involving unskilled labor, attendant, or custodial work, when the character or conditions of employment make it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed above, the director may adopt or authorize the use of such other procedures as the director determines to be appropriate in order to meet the needs of the service while assuring the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms, and techniques as the director may require. (Ord. 15488 §48; March 12, 1990: P.C. §2.58.267; Ord. 12168 §12; December 27, 1977: Ord. 8619 §30; December 21, 1964).

#### **2.76.250 Examinations; Examinations Administration.**

(a) Conduct of examinations. Examinations shall be announced and held at such times and places as, in the judgment of the director, most nearly meet the needs of the service. The tests shall be conducted either by the Personnel Director or by persons designated by the director.

(b) Anonymity of applicants. All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of written examinations. (Ord. 15488 §49; March 12, 1990: P.C. §2.58.268; Ord. 8619 §31; December 21, 1964).

#### **2.76.255 Examinations; Postponement or Cancellation of Examinations.**

In the event a sufficient number of qualified applicants has not made application for any examination, the director may postpone the last filing date and the date of examination and shall in such cases give written notice to the applicant and department heads concerned. (Ord. 15488 §50; March 12, 1990: P.C. §2.58.269; Ord. 8619 §32; December 21, 1964).

#### **2.76.260 Veterans' Preference.**

As between applicants for employment whose qualifications are otherwise substantially equal, veterans shall have preference in the matter of employment in the services of the city. (Ord. 15488 §51; March 12, 1990: P.C. §2.58.270; Ord. 7208 §27; June 20, 1960).

#### **2.76.265 Examinations; Consultants.**

In the development of examinations, the Personnel Director may confer with the department heads concerned and with others skilled in or familiar with work requirements of the class to be tested. Any special test or skill requirements shall be published in the examination notice. The director may also select

individuals to serve as examiners. Final test material shall be known only to the director, the Personnel Board, and to employees of the Personnel Department. Every precaution shall be exercised by all persons participating in the development of tests to maintain the highest integrity in examination. (Ord. 15488 §52; March 12, 1990: P.C. §2.58.271; Ord. 11489 §3; October 20, 1975: Ord. 8619 §33; December 21, 1964).

#### **2.76.270 Examinations; Rating of Examinations.**

(a) Sound measurement techniques and procedures shall be used in rating the results of examinations and determining the relative standards of the competitors. In all examinations, the minimum ratings by which eligibility may be achieved shall be set by the director. The final examination grade may be based on all factors of the examination, including educational requirements, experience, and other pertinent information. The final earned rating of each competitor shall be determined by averaging the earned ratings on each part of the examination in accordance with the weights established for each part prior to the date of the examination. All competitors may be required to obtain at least a minimum rating in each or any part of the examination in order to receive a final passing grade or to be allowed to participate in the remaining parts of the examination.

(b) The results of examinations of competitors who fail to qualify as eligibles for the class for which the examinations were taken may, with the approval of the director, be rated with reference to their eligibility for a lower class for which an examination is in process, if the competitors have signified their willingness to accept appointments to positions in such lower class.

(c) When a rating of experience and training forms a part of the examination, the director shall develop such procedures for the evaluation of these factors as will serve to assist in the selection of the best qualified candidates. These procedures shall take into consideration the quality, recency and amount of experience, and the pertinence, quality and amount of training. (Ord. 15488 §53; March 12, 1990: P.C. §2.58.272; Ord. 8619 §34; December 21, 1964).

#### **2.76.275 Examinations; Notification of Examination Results.**

Each person competing in an examination shall be given notice of such person's final rating and relative standing on the eligible list or failure to obtain a place on the list within ten days upon final grading of such exam. Within ten days after receiving notice of their final rating, any competitor may have their examination paper and their rating reviewed and corrected if any error is made. Review of an applicant's examination papers shall be limited to the applicant and the department head to whom the eligibility has been certified for appointment. Such review shall be provided only during regular business hours at the personnel office. (Ord. 15488 §54; March 12, 1990: P.C. §2.58.273; Ord. 11489 §4; October 20, 1975: Ord. 8619 §35; December 21, 1964).

#### **2.76.280 Discrimination.**

(a) No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, disciplinary action, suspension, dismissal, or layoff shall be taken or withheld by reason of the race, color, religion, sex, disability, national origin, age, marital status, or political opinions or affiliations, except that no person shall be employed or retained in the city service who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence.

(b) Any reference made in this Chapter 2.76 of the Lincoln Municipal Code to the terms he, she, his, her, or any similar term shall be interpreted in the generic and shall imply no restriction or other action because of the sex of the employee or applicant. (Ord. 15488 §55; March 12, 1990: P.C. §2.58.280: Ord. 12168 §13; December 27, 1977: Ord. 11489 §5; October 20, 1975: Ord. 9618 §1; November 4, 1968: Ord. 7208 §28; June 20, 1960).

#### **2.76.285 Political Activities.**

No person in the city service, except elected officials and members of election boards and unpaid advisory boards and commissions shall engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to any city office:

(a) Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue; provided, however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.

(b) Circulate petitions for candidates for city office, although an employee may sign such a petition.

(c) Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

In elections other than city elections, an employee of the city may not wear campaign buttons or distribute campaign literature while wearing a city uniform.

Nothing herein shall be construed as preventing or prohibiting such persons in the city service from exercising their rights as citizens to publicly or privately express their opinions or to cast their votes.

No person seeking appointment to, or promotion in the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with his test, appointment, or promotion.

Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law. (Ord. 15488 §56; March 12, 1990: P.C. §2.58.290: Ord. 14320 §1; February 10, 1986: Ord. 7208 §29; June 20, 1960).

#### **2.76.290 Employee Becoming Candidate for City Office.**

Any person in the city service, except elected officials and members of Election Board and unpaid advisory boards and commissions, who seeks nomination or who becomes a candidate for any elective city office shall be required to take a leave of absence (unless such person chooses to utilize accrued vacation leave), which leave shall commence at least sixty days prior to the date of the election or from the date of filing for office, whichever is lesser. Election or appointment of a person in the city service to an elective city office shall constitute an automatic resignation of such person from their position in the city service. No individual shall hold both an elective city office and a paid position in the city service. (Ord. 15488 §57; March 12, 1990: P.C. §2.58.295: Ord. 14320 §2; February 10, 1986).

#### **2.76.295 Gifts and Emoluments.**

No person seeking appointment to or promotion in the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with any test, appointment, or promotion. (Ord. 15488 §58; March 12, 1990: P.C. §2.58.300: Ord. 7208 §30; June 20, 1960).

### **2.76.300 Examinations; Penalty.**

Any person who willfully or corruptly violates any of the provisions of Sections 2.76.280 through 2.76.295 shall be subject to dismissal and such other punishment as may be provided by law. (Ord. 15488 §59; March 12, 1990; P.C. §2.58.302; Ord. 8619 §36; December 21, 1964).

### **2.76.305 Reemployment Lists.**

Regular employees with a satisfactory employment record who are involuntarily separated from the city service through no fault of their own shall be placed on appropriate class reemployment lists in the order of their years of continuous service with the city regardless of class. Employees with the same total years of service shall be placed on the list for the class in question in order of their final performance evaluation. The eligibility of all candidates on class reemployment lists shall expire two years from the date of their separation from the city service. (Ord. 15488 §60; March 12, 1990; P.C. §2.58.305; Ord. 8619 §37; December 21, 1964).

### **2.76.310 Order of Names on Eligible or Promotional Lists.**

Candidates obtaining a passing score in any competitive or promotional examination shall have their names placed on the list for the class for which they are examined in order of their final earned rating plus veteran's preference where applicable. In the case of a tie in final ratings, names shall be placed on the list in order of the rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names in the order of seniority within the classification for promotional examinations, and the order in which the applications were received for initial appointment. (Ord. 15488 §61; March 12, 1990; P.C. §2.58.306; Ord. 11489 §6; October 20, 1975; Ord. 8619 §38; December 21, 1964).

### **2.76.315 Duration of Eligible or Promotional Lists.**

The life of each list shall normally be one year from the date of its establishment; but this period may be reduced or extended by the director when it is deemed to be in the best interest of the city. However, in no case shall the name of an eligible remain on any list for a period greater than two years. (Ord. 15488 §62; March 12, 1990; P.C. §2.58.307; Ord. 8699 §39; December 21, 1964).

### **2.76.320 Removal of Names from Lists.**

The director may remove or withhold from certification the name of an eligible on a list for any of the following reasons:

- (a) Appointment to fill a vacancy in the same class or another class having the same or a higher minimum salary;
- (b) Filing of a statement by the eligible that such eligible is not willing to accept appointment;
- (c) Declination of an appointment under such conditions as an eligible previously had indicated such eligible would accept;
- (d) Failure to respond by a specific date to any written inquiry of the director relative to availability for appointment;
- (e) Consideration for a permanent appointment from one list by three different department heads or three times by one department head and not appointed;
- (f) Any cause specified in Section 2.76.230 of this code;

- (g) Failure to report for duty within the times prescribed by the department head;
- (h) Expiration of the term of eligibility on the eligible list;
- (i) Failure to maintain a record of current address at the Personnel Department. For this purpose, the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for such action; and
- (j) In the case of promotion lists, upon termination of city service.

Whenever the director removes or withholds from certification the name of an eligible on a list, the director shall inform such person of the reasons therefor. (Ord. 15663 §1; July 16, 1990: prior Ord. 15488 §63; March 12, 1990: P.C. §2.58.308: Ord. 8619 §40; December 21, 1964).

#### **2.76.325 Eligible Lists for Classes for Which There is No Existing List.**

If a vacancy exists in a class for which there is no existing list, the director may prepare an appropriate list for the class from one or more existing related lists. For this purpose, the director shall select lists from classes for which the examinations, qualifications, and the salary ranges are similar to those required for the class in which the vacancy exists. (Ord. 15488 §64; March 12, 1990: P.C. §2.58.309: Ord. 8619 §41; December 21, 1964).

#### **2.76.330 Availability of Eligibles.**

It shall be the responsibility of eligibles to notify the Personnel Department in writing of any change in address or other change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which such eligible will be available for employment, such eligible's name shall be withheld from all certifications which do not meet the conditions such eligible has specified. An eligible may file a new written statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which the eligible will be available for employment. (Ord. 15488 §65; March 12, 1990: P.C. §2.58.310: Ord. 8619 §42; December 21, 1964).

#### **2.76.335 Appointments to Positions in the Classified Service.**

(a) Vacancies. All vacancies in the classified service shall be filled by reemployment, promotion, original appointment, transfer, or demotion as provided in these rules. When a vacancy in the classified service is to be filled, other than by transfer or demotion, the department head shall submit a requisition to the Director. This requisition shall state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable special qualifications for the position under consideration may be indicated and the reasons therefor. Eligibles shall be certified in strict order of standing on the list, except in cases where the Director has determined there is good reason for certification of eligibles with special qualifications. In the latter case, eligibles meeting these special qualifications shall be certified in the order of their standing on the list.

(b) Method of certification. Upon receipt of a requisition for an employee, the Director shall certify in writing the proper number of names from the appropriate eligible list or authorize some other kind of appointment as provided in these rules. No appointment except a temporary appointment shall be made without such certification or prior authorization. The following lists shall be used by the Director in the order indicated: (1) reemployment lists; (2) promotion lists; (3) eligible lists. The appointing authority shall return the list of names or the reasons in writing for not filling the vacant position.

The Director shall certify eligible as follows:

(1) For appointment to positions in the classified service: Five names of persons having the highest ratings on the eligible list plus two additional names with the next highest ratings for each similar position to be filled if more than one; provided, however, that if any of those whose names are so certified do not appear for interview by the appointing authority, the Director, on request of the appointing authority, shall certify additional name or names having the next highest ratings to the number of those only who failed to appear; provided, however, if there are no protected class members in the list of certified eligibles and if any category of the protected class members is underrepresented in the department which is making the requisition, the Director shall authorize the inclusion of qualified protected class members from the underrepresented category on the list of certified eligibles which is referred to the appointing authority. For purposes of this section, a protected class member shall mean a person who is: (a) female; (b) a member of a minority group; (c) a person with a disability; or (d) a person over the age of forty.

(2) For promotion in the classified service: The names and addresses of employees of the city who are candidates on the eligible list for the class or rank to which such position belongs, in order of rating, which list shall be known as the promotional list. Any appointment from such list of a city employee whose name is not among the five highest in rating on such promotional list, if any, shall be made by the appointing authority only after proper approval thereof in writing by the Director. (Ord. 16476 §1; September 20, 1993: prior Ord. 16302 §1; February 1, 1993: Ord. 15664 §1; July 16, 1990: Ord. 15488 §66; March 12, 1990: P.C. §2.58.311: Ord. 8619 §43; December 21, 1964).

#### **2.76.340 Appointments.**

(a) Probationary appointments.

(1) There is hereby established a probationary or working test period which shall normally be of six months' duration after original appointment. During the probationary appointment, which is within the unclassified service, a probationary employee may be dismissed by the appointing authority without the right of the employee to review of any kind. Notice of dismissal within the probationary period may be given to the employee verbally, and no statement of reason to the employee is mandatory on the part of the appointing authority. Notification of any dismissal of a probationary employee shall be made in writing by the appointing authority to the Personnel Director, together with a report in writing of the reasons for the dismissal, in order that the Personnel Director may determine whether or not the name of such dismissed probationary employee should be restored to the eligible list. The Personnel Director may, if he deems it advisable, restore to its original place on the list the name of any person dismissed during the probationary period; provided, that the name of the person who has been dismissed a second time during a probationary period shall not be restored to a list.

(2) At least ten working days prior to the expiration of an employee's probationary period, the appointing authority shall notify the director in writing whether the services of the employee have been satisfactory and whether the employee will be continued in his position. A copy of this notice shall be given to the employee by the appointing authority. Upon receipt by the director of a favorable report, the appointment of the employee shall be made regular at the expiration of the probationary period. Failure of the appointing authority to accomplish such notice prior to the last day of the probationary period will result in the employee establishing permanent status automatically.

(b) Temporary appointments. Whenever there are urgent reasons for temporary employment in any of the departments, and it is not practicable to secure the needed person or persons by certification

from an eligible list, the appointing authority may make temporary appointments for a period not to exceed one year. Successive temporary appointments to the same position shall not be made. An employee under a temporary appointment which is within the unclassified service may be dismissed by the appointing authority without the right of the employee to review of any kind. Any person under temporary appointment must meet the minimum qualifications for the position.

(c) Full-time, seasonal, and part-time appointments. Appointments to fill vacancies in full-time, seasonal, and part-time positions shall be made only following certification from an eligible, reemployment, or promotional list. The director shall be notified in writing of the selection made by the appointing authority as provided in Section 2.76.335(b) of this code. If the eligible selected declines the appointment, evidence of such refusal shall be transmitted to the director; and the director shall certify an additional eligible in place thereof.

(d) Provisional appointments. When there is no appropriate list available, when there is not a sufficient number of persons on appropriate lists who are willing to accept appointment, or for the purpose of filling the position of an employee in the classified service who is on extended leave of absence, the director may authorize the provisional appointment of a person meeting the prerequisites for the class to which the position is allocated. Any such provisional appointment shall terminate not later than ten working days after the establishment by the director of an appropriate list and the certification of available eligibles for the position from this list. Any time served by an employee under a provisional appointment shall not constitute a part of or be deducted from the probationary period if the employee is subsequently appointed from a list to the same or another position. Provisional appointments shall be limited to ninety calendar days in duration. (Ord. 15488 §67; March 12, 1990: P.C. §2.58.312; Ord. 15124 §2; March 13, 1989: Ord. 12168 §14; December 27, 1977: Ord. 8619 §44; December 21, 1964).

#### **2.76.345 Transfers.**

A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications and having the same maximum salary. Interdepartmental transfers may be approved by both department heads affected, the employee concerned, and the director, and shall be executed on a prescribed form. (Ord. 15488 §68; March 12, 1990: P.C. §2.58.313; Ord. 8619 §45; December 21, 1964).

#### **2.76.350 Demotions.**

A position may be filled by the demotion of an employee in accordance with the procedures for demotion as set forth in Section 2.76.460 of these rules. (Ord. 15488 §69; March 12, 1990: P.C. §2.58.314; Ord. 8619 §46; December 21, 1964).

#### **2.76.355 Nepotism**

No member of the immediate family of any supervisor will be employed in that supervisor's department or division, except with the written approval of the Mayor. (Ord. 15488 §70; March 12, 1990: P.C. §2.58.315; Ord. 8619 §47; December 21, 1964).

### **2.76.360 Qualifying for Status in a Position.**

No employee shall be given status in a position until such employee shall have completed a qualifying period of three months duration. During such qualifying period such employee may be removed from such position by the appointing authority when, in the judgment of the appointing authority, the employee has not demonstrated fitness for the position. At least ten days prior to the expiration of an employee's qualifying period, the appointing authority shall notify the director in writing whether the services of the employee have been satisfactory and whether the employee will be continued in the position. A copy of this notice shall be given to the employee by the appointing authority. Upon receipt by the director of a favorable report, the employee shall establish status at the expiration of the qualifying period. Failure of the appointing authority to accomplish such notice prior to the last day of the qualifying period will result in the employee establishing permanent status automatically. (Ord. 15488 §71; March 12, 1990: P.C. §2.58.316; Ord. 11489 §7; October 20, 1975: Ord. 8619 §48; December 21, 1964).

### **2.76.365 Hours of Work.**

Regular working hours for all full-time employees shall be forty hours each week, which shall be the standard work week unless otherwise provided by departmental regulation approved by the Mayor and except for firemen, whose hours of duty are prescribed by Neb. Rev. Stat. §35-302 (Reissue 1988), and amendments thereto.

Generally, eight hours shall constitute a regular work day for nonshift workers and forty hours or five days shall constitute a regular work week. This does not mean that all employees can be given a five-day week or an eight-hour day from 8:00 a.m. to 4:30 p.m. with one-half hour for lunch. In order to obtain the most efficient operation and give the best possible service, it may be necessary in some classifications for an employee to work forty hours in more or less than five days by working more or less than eight hours per day or those working eight hours per day may be required to start the day some time other than 8:00 a.m.

Eight hours per day shall constitute a regular work day for shift workers and forty hours including Saturday, Sunday, and holidays shall constitute a regular work week. The hours worked per day and the days worked per week shall be consecutive as nearly as practicable. Shift schedules shall be posted or copies distributed to the employees as far in advance as possible.

There shall be allowed one fifteen-minute rest period during each one-half shift of the work day. The rest period shall be scheduled at the approximate middle of each one-half shift. Employees who for any reason work beyond their regular quitting time into the next shift shall be granted the regular rest periods that occur during the shift. (Ord. 15488 §72; March 12, 1990: P.C. §2.58.319; Ord. 12168 §15; December 27, 1977: Ord. 11489 §8; October 20, 1975: Ord. 10558 §1; September 11, 1972: Ord. 8619 §49; December 21, 1964).

### **2.76.370 Authorized Holidays.**

(a) The following and, in addition, any other days that may be designated by the Mayor are paid holidays for probationary and regular employees not represented by a bargaining unit: New Year's Day, Martin Luther King Jr.'s Birthday, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, day after Thanksgiving, and Christmas Day. In addition, eligible employees will be entitled to the two noncumulative personal holidays each payroll fiscal year. These holidays may be



taken at any time during the payroll fiscal year, provided the days selected by the employees have the prior approval of the appointing authority.

(b) Part-time employees shall earn personal holidays on a prorated schedule based upon the average hours earned per work week.

(c) Personal holiday hours may be taken in any increment of not less than two hour blocks for those employees with a pay range prefixed by "N" or "X".

(d) Whenever a holiday falls on a Sunday, the following Monday shall be considered a holiday; whenever a holiday falls on a Saturday, the preceding Friday shall be considered a holiday. Holidays which occur during a vacation, sick, funeral, or injury leave shall not be charged against that leave. (Ord. 18271 §1; November 17, 2003: prior Ord. 17396 §3; August 10, 1998: Ord. 17115 §1; December 16, 1996: Ord. 16661 §6; August 22, 1994: Ord. 16448 §9; August 23, 1993: Ord. 15488 §73; March 12, 1990: P.C. §2.58.320: Ord. 14745 §1; September 8, 1987: Ord. 14175 §1; August 19, 1985: Ord. 13476 §1; October 11, 1982: Ord. 12168 §16; December 27, 1977: Ord. 9607 §1; October 14, 1968: Ord. 9030 §1; June 6, 1966: Ord. 8619 §50; December 21, 1964: Ord. 7208 §32; June 20, 1960).

### **2.76.375 Holiday Pay.**

The following policies for holiday pay and arrangements for holiday pay shall govern:

(a) Probationary and regular full-time employees shall be credited with pay at straight time for the number of hours in their normal work shift not to exceed eight hours excluding firefighters working on a shift basis for each of the holidays authorized by Section 2.76.370 of the Lincoln Municipal Code.

(b) Probationary and regular part-time employees shall receive pay at straight time at the rate of one-fifth of their regular work week for the hours normally worked.

(c) Temporary hourly workers in the unclassified service not scheduled to work on a day designated as an authorized holiday shall receive no holiday pay. If scheduled to work on an authorized holiday, pay shall be computed at straight time rate for all hours worked, and said workers shall receive no holiday pay.

(d) Non-exempt employees are those employees designated by executive order of the Mayor who are eligible for overtime pay except as provided in (g) below who, because of emergency conditions, are required to work on an authorized holiday, shall be paid at one and one-half times their hourly rates for such hours worked in addition to the number of work hours credited as provided in (a) above.

(e) Exempt employees are those employees designated by executive order of the Mayor who are not eligible to receive pay for holidays worked; however, they are entitled to receive equivalent compensatory time off in lieu of holiday pay.

(f) All hours worked on the holiday, whether within or outside the employee's regular scheduled work week, shall be used in the computation of weekly overtime.

(g) Non-exempt employees whose work schedule includes work on a holiday will receive pay at one and one-half times their hourly rate for such hours worked subject to the provisions of (a) above.

(h) An employee must be in a pay status on the normal scheduled day before and the normal scheduled day after the authorized holiday in order to be eligible for holiday pay. (Ord. 17396 §4; August 10, 1998: prior Ord. 16661 §7; August 22, 1994: Ord. 16448 §10; August 23, 1993: Ord. 15702 §1; August 20, 1990: Ord. 15665 §1; July 16, 1990: Ord. 15488 §74; March 12, 1990: P.C. §2.58.321: Ord. 14746 §1; September 8, 1987: Ord. 14176 §1; August 19, 1985: Ord. 11519 §1; November 24, 1975).

## **2.76.380 Sick Leave with Pay.**

Subsections (a) through (f) shall apply to employees not represented by a bargaining unit.

(a) Amount. Sick leave shall be earned by each employee at the factored hourly equivalent of eight hours for each full month of service or twelve hours for each full month of service for an employee with a pay range prefixed by "M" who works a fifty-six hour work week. Earnings shall be computed only for those hours when an eligible employee is in a pay status, excluding overtime.

(b) When taken. Sick leave will be paid only when an employee is unable to perform work duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease, exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by attendance on duty, or to keep a medical or dental appointment and for no other reason. A sick leave pay account will be established and funds appropriated for that reason only. Sick leave with pay is intended to be paid on account of sickness rather than a continuation of salary.

Sick leave must be earned before it can be granted, and advancing sick leave is prohibited. An employee may utilize no more than his accrued balance of sick leave. When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts to be reported to his department head in accordance with departmental rules and regulations.

Sick leave shall be earned, but not be granted, during the probationary period occurring after original appointment. An employee must keep his department head informed of his condition. This shall be on a daily basis unless waived by the department head or designated representative. An employee may be required by the Personnel Director to submit a medical certificate for any absence. Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay.

(c) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

(d) Unused sick leave. Upon retirement, death or reduction in force, an employee with a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid one-half of his accumulated sick leave. The rate of payment shall be based upon the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon retirement, death or reduction in force, an employee with a pay range prefixed by "N" or "X", or the employee's beneficiary, shall be paid one-fourth of his accumulated sick leave. The rate of payment shall be based upon the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon retirement, death or reduction in force, an employee with a pay range prefixed by "A" or "C", or the employee's beneficiary, shall be paid one-half of his accumulated sick leave up to a maximum of 650 hours. The rate of payment shall be based upon the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

(e) An employee with a pay range prefixed by "E", "M", "A", or "C" may be granted time off for a maximum of forty hours in each calendar year for illness in the employee's immediate family. An employee with a pay range prefixed by "M" who works a fifty-six hour work week may be granted time off for a maximum of sixty hours in each calendar year for illness in the employee's immediate family. Immediate family will also include any other family member, whether it be by blood, marriage, legal adoption, or foster children, residing in the household. Such time off will be deducted from the employee's accumulated sick leave. Upon written request from an employee in the above-referenced pay ranges, the

Personnel Director may waive the forty or sixty hour limit after reviewing the individual circumstances in support of the request.

(f) An employee with a pay range prefixed by "N" or "X" may be granted time off for a maximum of forty hours in each calendar year for illness in the employee's immediate family. For purposes of this subsection (f), the term immediate family shall include the employee's mother, father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the grandparent of the employee's spouse, or any other relative residing in the household. Such time off will be deducted from the employee's accumulated sick leave. Upon written request from an employee in the above-referenced pay ranges, the Personnel Director may waive the forty hour limit after reviewing the individual circumstances in support of the request. (Ord. 18225 §3; August 11, 2003: prior Ord. 18046 §3; August 5, 2002: Ord. 17891 §4; August 13, 2001: Ord. 17708 §4; August 7, 2000: Ord. 17041 §1; August 12, 1996: Ord. 16661 §8; August 22, 1994: Ord. 16448 §11; August 23, 1993: Ord. 15968 §5; September 16, 1991: Ord. 15703 §1; August 20, 1990: Ord. 15488 §75; March 12, 1990: P.C. §2.58.330: Ord. 15277 §1; August 28, 1989: Ord. 14958 §9; August 22, 1988: Ord. 14747 §1; September 8, 1987: Ord. 14177 §1; August 19, 1985: Ord. 13970 §1; October 2, 1984: Ord. 13013 §1; October 13, 1980: Ord. 12406 §1; October 23, 1978: Ord. 12168 §17; December 27, 1977: Ord. 10560 §1; September 11, 1972: Ord. 8619 §51; December 21, 1964: Ord. 7208 §33; June 20, 1960).

#### **2.76.385 Funeral Leave.**

A probationary or regular employee not represented by a bargaining unit shall be granted funeral leave as follows:

(a) In the case of the death of the employee's mother, father, brother, sister, husband, wife, child, mother-in-law, father-in-law, stepmother, stepfather, stepchild, grandparent, grandchild, or in the case of death of any other relative residing in the immediate household of an employee, the employee shall be allowed twenty-four hours, or thirty-six hours for an employee with a pay range prefixed by the letter "M" who works a fifty-six hour work week, funeral leave with regular pay without deduction from pay or accumulated sick leave.

(b) In the case of the death of an employee's sister-in-law, brother-in-law, daughter-in-law, son-in-law, aunt, uncle, nephew, niece, or a grandparent of an employee's spouse, or a foster child residing in the immediate household of an employee, the employee shall be allowed sixteen hours, or twenty-four hours for an employee with a pay range prefixed by the letter "M" who works a fifty-six hour work week, funeral leave with regular pay without deduction from pay or accumulated sick leave. Further, the employee may also be allowed to use up to twenty-four hours, or thirty-six hours for an employee with a pay range prefixed by the letter "M" who works a fifty-six hour work week, of accumulated sick leave in the case of death of any of the above-designated persons.

(c) A regular employee may be granted up to two hours of time off with pay by such employee's department head or his or her designated representative to attend the funeral of a fellow employee who was employed by the City at the time of his or her death. (Ord. 17396 §5; August 10, 1998: prior Ord. 16562 §1; February 28, 1994: prior Ord. 16448 §12; August 23, 1993: Ord. 16097 §1; April 20, 1992: Ord. 15704 §1; August 20, 1990: Ord. 15488 §76; March 12, 1990: P.C. §2.58.331: Ord. 15278 §1; August 28, 1989: Ord. 14748 §1; September 8, 1987: Ord. 13013 §2; October 13, 1980: Ord. 12168 §18; December 27, 1977: Ord. 9617 §1; November 4, 1968: Ord. 8619 §52; December 21, 1964).

### **2.76.390 Injury Leave with Pay.**

In case of temporary total disability of a firefighter or police officer received in the line of duty, there shall be such payment as otherwise provided by state statute. Whenever a probationary or regular employee, other than a police officer or firefighter whose injury leave benefits are determined by state statute, shall become temporarily totally disabled from an injury arising out of and in the course of the employee's employment, such employee shall be eligible to receive salary during the continuance of such temporary total disability for so long as such employee is temporarily totally disabled. However, in no event shall such period of eligibility exceed six months. The period of eligibility for the first such injury in any fiscal year shall be deemed to commence on the date when the employee incurred such injury giving rise to said temporary total disability and shall end six consecutive calendar months thereafter. However, for any injury after the first such injury during any fiscal year, the period of eligibility shall be deemed to commence on the seventh day from the date when the employee incurred such injury giving rise to said temporary total disability and shall end six consecutive calendar months after the date when the employee incurred such injury. During this period of eligibility, payment of said salary shall be deemed to be payment of all statutorily imposed benefits under the workmen's compensation act or other applicable pension laws of the State of Nebraska. The benefits provided for by this section are not intended to be in addition to any benefits provided for by state law, but are intended to be payment of such benefits when applicable. In no case will any employee be allowed to receive statutory benefits in addition to the benefits provided herein.

In order for such employee to be eligible for injury leave benefits, the employee shall furnish, when requested by the appointing authority, such medical or other supporting evidence regarding any injury or condition which such employee claims has rendered the employee temporarily totally disabled. Upon refusal to provide such requested information, such injury leave benefits may be withheld or discontinued until such evidence is provided. (Ord. 17396 §6; August 10, 1998: prior Ord. 16448 §13; August 23, 1993: Ord. 15488 §77; March 12, 1990: P.C. §2.58.332: Ord. 14749 §1; September 8, 1987: Ord. 14178 §1; August 19, 1985: Ord. 13789 §1; March 19, 1984: Ord. 9900 §1; December 22, 1969: Ord. 8619 §53; December 21, 1964).

### **2.76.395 Vacation Leave with Pay.**

(a) Amount. Each employee with a pay range prefixed by "E" shall earn vacation leave credit annually as follows:

- After original appointment -- at the factored hourly equivalent of 88 hours per year
- After five years of service -- at the factored hourly equivalent of 112 hours per year
- After seven years and six months of service -- at the factored hourly equivalent of 120 hours per year.
- After ten years of service -- at the factored hourly equivalent of 128 hours per year.
- After twelve years and six months of service -- at the factored hourly equivalent of 136 hours per year.
- After fifteen years of service -- at the factored hourly equivalent of 160 hours per year.
- After twenty years of service -- at the factored hourly equivalent of 184 hours per year.
- After twenty-five years of service -- at the factored hourly equivalent of 192 hours per year.

Each employee with a pay range prefixed by "M" shall earn vacation leave credit annually as follows:

After original appointment -- at the factored hourly equivalent of 120 hours per year, or 180 hours per year for those employees who work a fifty-six hour work week.  
After five years of service -- at the factored hourly equivalent of 160 hours per year, or 240 hours per year for those employees who work a fifty-six hour work week  
After twenty years of service -- at the factored hourly equivalent of 200 hours per year, or 300 hours per year for those employees who work a fifty-six hour work week.

Each employee with a pay range prefixed by "N" or "X" shall earn vacation leave credit annually as follows:

After original appointment -- at the factored hourly equivalent of 80 hours per year.  
After five years of service -- at the factored hourly equivalent of 112 hours per year.  
After ten years of service -- at the factored hourly equivalent of 128 hours per year.  
After fifteen years of service -- at the factored hourly equivalent of 160 hours per year.  
After twenty years of service -- at the factored hourly equivalent of 176 hours per year.  
After twenty-five years of service -- at the factored hourly equivalent of 184 hours per year.

The department head may require that vacation leave be taken not less than one day at a time. Vacation leave credit shall not accrue during a leave of absence without pay.

(b) Vacation leave shall not be granted during the first six months of employment with the exception of employees with a pay range prefixed by "M". Each department head shall keep records on vacation leave credit and use and shall schedule vacation leave with particular regard to the seniority of employees, to accord with operating requirements, and insofar as possible, with requests of employees.

(c) Accumulated leave. An employee may accumulate vacation leave to a maximum of forty hours over and above the employee's maximum annual earning rate or sixty hours over and above the employee's maximum annual earning rate for an employee with a pay range prefixed by "M" who works a fifty-six hour work week.

(d) Vacation payout. Any employee who separates from the city service shall be compensated for vacation leave accrued and accumulated to the date of separation. The vacation payout shall occur with the paycheck immediately following separation. In the event the separation is the result of retirement, as defined by the applicable retirement plan, an employee may elect to utilize vacation until all accrued vacation has been exhausted.

(e) Waiving vacation. For the purpose of maintaining necessary personnel on duty to accomplish city work, a department head, with approval of the Mayor, may waive accumulated vacation leave in excess of eighty hours (120 hours for an employee with a pay range prefixed by "M" who works a fifty-six hour work week). Waived vacation will be paid to the employee at the employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the department's budget for salaries.

(f) Vacation bank payout. For employees maintaining a vacation bank, excluding ranges prefixed by "B" or "F", the employee may request to sell all or part of their bank at the first full pay period in July each year. Such request for payment shall be made in writing and approved by the employee's department head and the Mayor, provided there are sufficient funds in the department's budget for salaries. Payment

for requested hours will be paid at the employee's usual rate of pay as of the last January 1. (Ord. 17812 §1; March 12, 2001: prior Ord. 17789 §2; February 5, 2001: Ord. 17708 §5; August 7, 2000: Ord. 17276 §1; December 15, 1997: Ord. 16661 §9; August 22, 1994: Ord. 16448 §14; August 23, 1993: Ord. 16210 §1; August 31, 1992: Ord. 15968 §6; September 16, 1991: Ord. 15705 §1; August 20, 1990: Ord. 15488 §78; March 12, 1990: P.C. §2.58.340: Ord. 15279 §1; August 28, 1989: Ord. 14750 §1; September 8, 1987: Ord. 14179 §1; August 19, 1985: Ord. 13971 §1; October 1, 1984: Ord. 12168 §19; December 27, 1977: Ord. 10633 §1; November 20, 1972: Ord. 10230 §1; August 16, 1971: Ord. 9619 §1; November 4, 1968: Ord. 8893 §1; December 27, 1965: Ord. 8619 §54; December 21, 1964: Ord. 8189 §1; September 16, 1963: Ord. 7896 §1; October 8, 1962: Ord. 7733 §1; May 7, 1962: Ord. 7208 §24; June 20, 1960).

#### **2.76.400 Leaves of Absence Without Pay.**

Leave of absence without pay may be granted to employees, except temporary or seasonal employees, for a period not to exceed three months by a department head, except that for leaves in excess of thirty calendar days, the approval of the director must also be obtained. Leaves of absence without pay shall not be granted until all applicable leave balances have been exhausted, with the exception of leaves for travel or study.

A department head, with the approval of the director, may grant such employee leave of absence without pay for a period not to exceed one year for travel or study. Such leave shall be granted only when it will not result in undue prejudice to the interests of the city as an employer beyond any benefits to be realized. No leave without pay shall be granted except upon written request of the employee. No such leave shall be granted primarily in the interests of the employee except in the case of one who has shown by record of service or by other evidence to be of more than average value to the city and whose service it is desirable to retain even at such sacrifice. Failure on the part of an employee on leave to report promptly at its expiration, without good cause, shall be considered as a resignation. (Ord. 18191 §1; June 16, 2003; prior Ord. 15488 §79; March 12, 1990: P.C. §2.58.350: Ord. 12168 §20; December 27, 1977: Ord. 8619 §55; December 21, 1964: Ord. 7208 §35; June 20, 1960).

#### **2.76.405 Absence Without Leave.**

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be made grounds for disciplinary action by the department head. In the absence of such disciplinary action, any employee who is absent for three or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the department head by a subsequent grant of leave with or without pay where extenuating circumstances are found to have existed. (Ord. 15488 §80; March 12, 1990: P.C. §2.58.351: Ord. 8619 §56; December 21, 1964).

#### **2.76.410 Pregnancy Leave.**

Pregnancy leave shall be subject to the same rules and handled in the same manner as personal illness. An employee shall expend accrued sick leave while such employee is unable to perform her duties because of such pregnancy, as verified by a physician's statement. Prior to the seventh month of pregnancy, the employee shall provide her division supervisor with a statement from her physician indicating a date when she should discontinue working.

The City shall conform to all requirements of the Family and Medical Leave Act (FMLA). If the employee does not qualify for approved leave under FMLA, she shall obtain a physician's certification of her fitness to return to work. The use of vacation leave with pay, as set forth in Section 2.76.395, and leave of absence without pay, as set forth in Section 2.76.400, may be approved in conjunction with the above use of sick leave. (Ord. 18174 §1; May 12, 2003: prior Ord. 15488 §81; March 12, 1990: P.C. §2.58.352: Ord. 13508 §1; December 6, 1982: Ord. 12168 §21; December 27, 1977: Ord. 10557 §1; September 11, 1972: Ord. 8893 §2; December 27, 1965: Ord. 8619 §57; December 21, 1964).

#### **2.76.415 Military Leave With Pay.**

(a) All employees, including elected officials, who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall be entitled to leave of absence from their respective duties, without loss of pay, on all days during which they are employed with or without pay under the orders or authorization of competent authority in the active service of the State of Nebraska or of the United States, for not to exceed 120 hours in any one calendar year, or 180 hours in any one calendar year for those employees who work a fifty-six hour work week, for annual training or other active duty assignments. Such leave of absence shall be in addition to the regular vacation and holiday leave of the persons named herein. When the Governor of the State of Nebraska shall declare that a state of emergency exists, and any of the persons named in this section are ordered to active service of the State of Nebraska, an additional leave of absence will be granted until such member is released from active service by competent authority. During the additional leave of absence because of the call of the Governor, any official or employee subject to the provisions of this section shall receive such portion of their salary or compensation as will equal the loss the official or employee may suffer while in active service of the state. Governmental officers serving a term of office shall receive their compensation as provided by law.

(b) All officers and regular employees, including elected officials, who leave a position other than temporary to undergo military training with the armed forces of the United States or undertake military duty in the active service of the State of Nebraska, shall be entitled to a leave of absence from such civil employment for the period of such training or service, not to exceed four years, plus in each case any additional period in which he was unable to obtain orders relieving him from active duty, plus any period of time hospitalized incident to active duty, without loss of status or efficiency rating, and without loss of pay during the first fifteen work days of such leave of absence. Such pay for the first fifteen work days shall not be construed as being in addition to the pay provided for in subsection (a) above. The proper appointing authority may make a temporary appointment to fill any vacancy created by such leave of absence. When such person is separated from such training or service under honorable conditions, or upon discharge from hospitalization incident to that duty, such employee shall be entitled to return to their former position with such seniority, status, pay and vacation as if such employee had not been absent for such purpose, if such employee is still qualified to perform the duties of their former position, and if such employee makes application within thirty days after release from such training or service. If such person is not qualified to perform the duties of such position upon return by reason of disability sustained during the training or service, but is qualified to perform the duties of any other position in the employ of the employer, such employee shall be restored to such other position, the duties of which such employee is qualified to perform, as will provide such employee with the same seniority, status and pay, or the nearest proximation thereof consistent with the circumstances in the employee's case. Such person shall not be discharged from their

former or new position without justifiable cause within one year after reinstatement. (Ord. 17276 §2; December 15, 1997: prior Ord. 16157 §1; July 13, 1992: Ord. 15488 §82; March 12, 1990: P.C. §2.58.360: Ord. 9937 §1; February 16, 1970: Ord. 8619 §58; December 21, 1964: Ord. 7208 §36; June 20, 1960).

#### **2.76.420 Military Credit.**

Any personnel of the Lincoln Police Department and Lincoln Fire and Rescue Department who would otherwise be eligible for college credits shall receive a credit of five college credit hours for each full year of active military service served up to a maximum of four years of such military service, whether the same are earned before or after becoming affiliated with the Police or Fire and Rescue Departments. (Ord. 18170 §16; April 28, 2003: prior Ord. 15488 §83; March 12, 1990: P.C. §2.58.363: Ord. 12168 §23; December 27, 1977: Ord. 10663 §1; January 15, 1973: Ord. 10040 §3; September 8, 1970).

#### **2.76.425 Jury Leave and Special Leave.**

An employee shall receive special leave with pay when required to serve on a jury and the hours of jury duty conflict with the hours of the employee's city work. Whenever an employee serves on a jury, the employee must inform their supervisor of such jury service.

Special leave with pay may also be granted by a department head for attendance in court or before an administrative tribunal in connection with an employee's officially assigned duties, the performance of other authorized duties in connection with city business, or authorized attendance at a trade or professional meeting which relates directly to official duties; and such leaves shall not be considered leaves of absence. (Ord. 15488 §84; March 12, 1990: P.C. §2.58.370: Ord. 15280 §1; August 28, 1989: Ord. 8619 §59; December 21, 1964: Ord. 7208 §37; June 20, 1960).

#### **2.76.430 Leaves of Absence; Length of Service.**

Length of service requirements for increased vacation leave and for other purposes, as specified in these rules, shall have the implication of continuous service with the City of Lincoln. This means employment without a break or interruption; provided, that any absence or authorized leave without pay or by reason of layoffs for thirty calendar days or less shall not affect the continuity of service. Leaves without pay or layoffs for a period in excess of thirty calendar days all suspensions, and all absences without leave shall be deducted in computing the total length of service with the city. (Ord. 15488 §85; March 12, 1990: P.C. §2.58.371: Ord. 8619 §60; December 21, 1964).

#### **2.76.435 Resignation.**

Any employee may resign from the city service by presenting their resignation in writing to the department head at least two weeks prior to the effective date. Such resignation shall be promptly forwarded to the director by the department head. The director may make such investigation as the director deems warranted for the purpose of verifying reasons for each resignation including the conduct of separation interviews. (Ord. 15488 §86; March 12, 1990: P.C. §2.58.380: Ord. 12168 §25; December 27, 1977: Ord. 8619 §61; December 21, 1964: Ord. 7208 §38; June 20, 1960).



#### **2.76.440 Reemployment After Resignation.**

Except as otherwise provided in Section 2.76.470 of the Lincoln Municipal Code, any former employee who is reemployed shall be treated in all respects as a new employee, and benefits including seniority, longevity, sick leave, and vacation leave accrual rate shall not be reinstated. (Ord. 16098 §1; April 20, 1992: prior Ord. 15488 §87; March 12, 1990: P.C. § 2.58.381: Ord. 12168 §26; December 27, 1977: Ord. 8619 §62; December 21, 1964).

#### **2.76.445 Cause for Disciplinary Action.**

Any action which reflects discredit upon the city service or is a direct hindrance to the effective performance of the municipal government functions shall be considered good cause for disciplinary action against any officer or employee of the City of Lincoln, though charges may be based upon causes and complaints other than those listed.

- (a) Habitual use of intoxicating beverages to excess or the use of narcotics.
- (b) Has been adjudged guilty of a felony or of a misdemeanor involving moral turpitude.
- (c) The taking of intoxicating beverages or intoxication while on duty.
- (d) That the employee is guilty of improper political activity as defined in the charter.
- (e) Offensive conduct or language toward the public or toward city officers or employees.
- (f) Has been guilty of insubordination or any conduct unbecoming to an officer or employee of the city, either on or off duty.
- (g) Incompetence to perform the duties of the position.
- (h) Damage to or negligence in the care and handling of city property.
- (i) Violation of any lawful and reasonable regulation made or given by the employee's superior, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline; or results, or might reasonably have been expected to result, in loss or injury to the city, to prisoners of the city, or to the public.
- (j) Commission of acts or omissions unbecoming an incumbent of the particular office or position held, which render a reprimand, suspension, demotion, or dismissal necessary or desirable for the economical or efficient conduct of the business of the city or for the best interest of the municipal government.
- (k) Willful violation of any of the provisions of the charter or of these rules.
- (l) Has induced or attempted to induce any officer or employee in the city service to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation or order or has participated therein.
- (m) Solicitation or receipt from any person, participation in any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- (n) Use or attempted use of personal or political influence or bribery to secure an advantage in an examination or promotion, leave of absence, transfer, change of grade, pay, or character of work.
- (o) Failure to pay just debts, thereby causing embarrassment to the city.
- (p) Absence from duty without leave contrary to these rules, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and cancelled by the proper authority.

Violations of the provisions of this section shall be punishable by reprimand, suspension, demotion, or dismissal.

An employee may be placed on disciplinary probation not to exceed ninety calendar days. The placement on disciplinary probation as provided herein shall not preclude the imposition of other or additional disciplinary action.

A copy of this section, with any amendments thereto, shall be submitted to each department head to be posted in such manner as will bring it to the attention of all employees of such department. (Ord. 15706 §1; August 20, 1990: prior Ord. 15488 §88; March 12, 1990: P.C. §2.58.382: Ord. 12168 §27; December 27, 1977: Ord. 11489 §9; October 20, 1975: Ord. 8619 §63; December 21, 1964).

#### **2.76.450 Reprimand.**

A department head may reprimand any employee for cause. Such reprimand shall be in writing and addressed and presented to the employee who will initial receipt. A signed copy shall be delivered to the Personnel Department for inclusion in the employee's personnel file. The employee may submit an explanation or rebuttal. Reprimands may not be appealed to the Personnel Board.

Written reprimands and rebuttals or explanations thereof shall be removed from an employee's personnel file, including such files within a department, one year after the filing thereof, provided there is a written request for removal from the affected employee. This section shall apply only to ranges prefixed by "E", "M", "N", "C", "A", or "X". (Ord. 18174 §2; May 12, 2003: prior Ord. 17199 §1; June 16, 1997: Ord. 15488 §89; March 12, 1990: P.C. §2.58.383: Ord. 11489 §10; October 20, 1975: Ord. 8619 §64; December 21, 1964).

#### **2.76.455 Suspension.**

A department head may suspend an employee without pay for cause for a period or periods not exceeding thirty working days in any twelve months; however, no single suspension shall be for more than fifteen working days. The department head shall notify the employee concerned and the director in writing not later than one day after the date of suspension is made effective. Such notice shall include the reasons for and the duration of the suspension. Any regular employee who is suspended may appeal for a hearing, in writing, to the Personnel Board within ten working days of notice of suspension. (Ord. 15488 §90; March 12, 1990: P.C. §2.58.384: Ord. 12168 §28; December 27, 1977: Ord. 8619 §65; December 21, 1964).

#### **2.76.460 Demotion.**

A department head may demote an employee for just cause. A written statement of the reasons for any such action shall be furnished to the employee and copy filed with the director at least ten working days prior to the effective date of the action. No demotion shall be made as a disciplinary action or on a voluntary basis unless a vacant position exists into which the employee may be demoted or, based upon department needs and approval of the Director, such demotion is deemed appropriate. The employee to be demoted must be eligible for employment in the lower class and shall not be demoted if any regular employee in the lower class will be laid off by reason of the action. Any regular employee who is demoted may appeal for a hearing, in writing, to the Personnel Board within ten working days of notice of such action. (Ord. 17396 §7; August 10, 1998: prior Ord. 15488 §91; March 12, 1990: P.C. §2.58.385: Ord.

12168 §29; December 27, 1977: Ord. 11489 §11; October 20, 1975: Ord. 8619 §66; December 21, 1964).

#### **2.76.465 Dismissal.**

A department head may dismiss for cause any regular employee under the department head's jurisdiction by delivering at least ten working days before the effective date of dismissal a written statement of the reasons for dismissal to the employee concerned and to the director. If the department head, because of the reasons for the dismissal, desires to make an immediate separation from the service, the department head may make a suspension without pay pending dismissal. By so notifying the employee and the director in writing, such action shall result in permanent separation at the end of the period of such suspension. Suspensions pending dismissal shall not be subject to the limitations provided in other sections of these rules. In notifying the employee of dismissal as provided, the department head shall also advise the employee of the right to a pre-termination hearing. Any regular employee who has been terminated may appeal for a hearing before the Personnel Board. The appeal must be submitted in writing to the Personnel Director or a designated representative any time after written notice of, but no later than ten working days after, the effective date of the termination. (Ord. 15488 §92; March 12, 1990: P.C. §2.58.386; Ord. 15125 §1; March 13, 1989: Ord. 13189 §1; August 17, 1981: Ord. 12168 §30; December 27, 1977: Ord. 8619 §67; December 21, 1964).

#### **2.76.470 Reduction in Force; Layoff.**

A department head may separate any employee without prejudice because of lack of funds or curtailment of work after giving written notice of at least ten working days to such employee. However, no regular employee shall be separated from any department while there are provisional, probationary, or temporary employees serving in the same class of positions in that department. Whenever a classified position is abolished or a reduction in force becomes necessary, layoffs shall be in reverse order of total service with the city when the qualification of the employees to perform the available work are substantially equal; otherwise, the employees best qualified to perform the work shall be retained. Such departures from the regular reduction in force procedures and the reasons therefor shall be reported to the Personnel Director. Any employee adversely affected by such action may appeal in writing to the Personnel Board within ten working days of the receipt of the written notice of a reduction in force.

(a) Laid-off employees on reemployment lists. The names of regular employees who have been laid off shall be placed on the appropriate reemployment list in accordance with Section 2.76.305 of these rules.

(b) Appointment of laid-off employees to lower class. An appointing authority may, with the approval of the director, appoint an employee who is to be laid off to an existing vacancy in a lower class for which he is qualified. (Ord. 17115 §2; December 16, 1996: prior Ord. 15488 §93; March 12, 1990: P.C. §2.58.387; Ord. 12168 §31; December 27, 1977: Ord. 8619 §68; December 21, 1964).

#### **2.76.475 Grievance Procedure.**

(a) Statement of policy. It shall be the policy of the City of Lincoln to give regular employees an opportunity to discuss their grievances with the city in order to find mutually satisfactory solutions as rapidly as possible. The grievance procedure set forth herein is designed to preserve harmony and friendly relations between the city and its employees. Furthermore, the grievance procedure is to provide a just

and equitable method for the resolution of grievances without discrimination, coercion, restraint, or reprisal against any employee who may submit or be involved in a grievance. The grievance procedure shall not be used to change any provisions of the personnel code, municipal ordinances, or filed for the purpose of getting an established policy, standard, or procedure changed. Employees represented by collective bargaining units or agents shall be required to use the grievance procedures provided for under the terms of their agreement.

(b) Definition. A grievance shall mean any disagreement concerning the interpretation or application of the specific and expressed provisions or terms of the City Personnel Code or applicable municipal ordinances relating to compensation, working conditions, or fringe benefits but disagreements relating to the substantive terms or provisions of those ordinances or the personnel code shall not be considered grievances.

(c) Form. In reducing a grievance to writing, the following information must be stated with reasonable clearness: The exact nature of the grievance, the act or acts of commission or omission, the exact date of the act or acts of commission or omission, the identity of the party or parties who claim to be aggrieved, the identity of the party or parties alleged to have caused the grievance, the specific provisions of the City Personnel Code or municipal ordinances that are alleged to have been violated, and the remedy which is sought.

(d) Employee procedure. The city urges all employees to raise any matters of disagreement or any suggestions with their immediate supervisor in order to informally resolve as many matters as possible. In the event that satisfactory settlement is not or cannot be reached under such a procedure, grievances shall be processed in the following manner:

(1) Step One. Any regular employee having a grievance, or the employee's designated representative, shall first present the grievance orally to the employee's division supervisor or the supervisor's designated representative within fifteen working days after its occurrence. The supervisor shall then attempt to adjust the matter and shall respond to the employee or designated representative within fifteen working days after the presentation of the grievance.

(2) Step Two. If satisfactory settlement is not reached under Step One, the grievance shall be presented by the employee or the employee's designated representative to the employee's department head in writing within fifteen working days after the expiration of the time limit set forth in Step One above. The department head shall issue a written decision to the employee or the employee's designated representative within fifteen working days from the date of receipt of the grievance.

(3) Step Three. If satisfactory settlement is not reached under Step Two, the employee or the employee's designated representative shall resubmit the grievance described in Step One above in writing within fifteen working days of receipt of the response from the department head as outlined under Step Two above to the Personnel Director or the director's designated representative for submission to the Personnel Board. The Personnel Board shall hold a hearing with the employee or the employee's designated representative within twenty-five working days, or as soon as reasonably possible, after the receipt of the grievance in an attempt to settle the grievance. The Personnel Board shall transmit a written answer to the employee or the employee's designated representative within fifteen working days after such meeting. The decision of the Personnel Board shall be final and binding upon the appointing authority. (Ord. 18225 §4; August 11, 2003: Ord. 15488 §94; March 12, 1990: P.C. §2.58.390: Ord. 13189 §2; August 17, 1981: Ord. 12168 §32; December 27, 1977: Ord. 10665 §1; January 22, 1973: Ord. 7208 §39; June 20, 1960).

**ANNOT.:** As a general rule, the words "final and binding," when used in ordinances or statutes referring to the decision of an administrative official or agency, mean that it is the definitive act of that official or agency and is binding until or unless it is set aside by judicial review. *City of Lincoln v. Soukup*, 215 Neb. 732, 340 N.W.2d 420 (1983).

One cannot be denied the right of review in the appellate courts. *Id.*

#### **2.76.480 City-initiated Grievance.**

A grievance may be initiated and prosecuted by the city with regard to any employees represented by a designated collective bargaining representative or in any situation where the city has signed a collective bargaining agreement with any collective bargaining agent for city employees by the filing of such grievance in writing with the designated employee representative involved. Notice shall be given by certified mail. Within thirty calendar days of the date of delivery of such grievance, the designated representative of the union and the city, through its designated representative, shall arrange for a meeting in order to discuss the grievance. The designated representative of the union shall provide the city, or its designated representative, with a written answer to the grievance within five working days after the conclusion of such a meeting. If satisfactory settlement is not reached under this procedure, the city may file a notice of its intention to arbitrate the grievance if such notice is filed with the designated employee representative within ten working days after receipt of the union's answer as provided for under the appropriate collective bargaining agreement. (Ord. 15488 §95; March 12, 1990; P.C. §2.58.395; Ord. 12168 §33; December 27, 1977; Ord. 10665 §3; January 22, 1973).

#### **2.76.485 Investigations.**

(a) Conduct of Investigations. In connection with its review of an appeal or for any other purpose necessary to determine the adherence to any provision of the charter regarding personnel administration of these rules, the Personnel Board and/or the Personnel Director may conduct such investigations as are necessary. In the conduct of any such investigation, the Personnel Board and/or the Personnel Director may request the necessary investigative personnel from the Mayor. Any investigation involving production of records or reports by a city department shall be conducted in such a manner as to cause the least possible disruption or inconvenience to such office in the conduct of its regular work.

(b) Failure to Respond to Subpoenas-Penalty. The Personnel Board shall have the power to administer oaths, subpoena witnesses, and compel the production of books and records pertinent to any investigation or hearing it is authorized to conduct. Any person who fails to appear in response to a subpoena, to answer any question, or to produce any books or records pertinent to any such hearing or investigation, or who shall knowingly give false testimony therein shall be subject to dismissal and shall also be guilty of a misdemeanor, punishable by imprisonment in the county jail for a period not to exceed six months, or by a fine not to exceed \$100.00 recoverable with costs, or both. (Ord. 15488 §96; March 12, 1990; P.C. §2.58.410; Ord. 8619 §69; December 21, 1964; Ord. 7208 §41; June 20, 1960).

#### **2.76.490 Personnel Code Hearings.**

(a) Notice of hearing: Public hearings required by the charter or these rules to be held by the Personnel Board shall be held only after suitable notice has been given. Such notice shall set forth the time, date, place, and purpose of the hearing. A copy of the notice shall be posted on the official bulletin board of the Personnel Department and sent to all interested parties at least three working days in advance of the date set for the hearing. A hearing on an appeal by an individual employee or department head provided for by the charter or these rules shall be preceded by written notice sent by certified mail at least three working days in advance of the date of the hearing to each appellant and to the administrative officers affected thereby. Such notice shall specify the time, date, place, and subject matter of the hearing. (Ord. 15488 §97; March 12, 1990: P.C. §2.58.420: Ord. 12168 §34; December 27, 1977: Ord. 10665 §2; January 22, 1973: Ord. 7208 §42; June 20, 1960).

#### **2.76.495 Early Retirement.**

Any city employee, except those employees who are covered by fire or police retirement plans, may retire upon written request after completing twenty-five years of service and attaining age fifty. The early retirement date for employees employed prior to September 1, 2000, shall be the earliest date resulting from either completing twenty-five years of service and attaining age fifty or completing twenty years of service and attaining age fifty-five. Such retirement shall be known as "early retirement." (Ord. 17708 §6; August 7, 2000: prior Ord. 15488 §98; March 12, 1990: P.C. §2.58.432: Ord. 14770 §1; October 12, 1987: Ord. 12412 §2; October 30, 1978).

#### **2.76.500 Normal Retirement.**

Any city employee except those employees who are covered by fire or police retirement plans, may retire upon written request after attaining age sixty-two. Such retirement shall be known as "normal retirement." (Ord. 15488 §99; March 12, 1990: P.C. §2.58.433: Ord. 14771 §1; October 12, 1987: Ord. 12412 §3; October 30, 1978).

#### **2.76.505 Disability Retirement.**

Any city employee, except employees covered by the Police and Fire Pension Plans as provided in Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code, may retire upon written request when it is in the best interest of the city upon a determination that the employee is unable to engage in any substantial gainful employment by reason of any medically determined physical or mental impairment that can be expected to result in death or which has lasted, or can be expected to last, for a continuous period of not less than twelve months. Entitlement to disability retirement shall be based on a competent medical opinion as evaluated by the Personnel Director and/or applicable titles of the Federal Social Security Act with the approval of the department head and the Mayor. (Ord. 18191 §2; June 16, 2003: prior Ord. 15488 §100; March 12, 1990: P.C. §2.58.435: Ord. 13906 §1; August 6, 1984: Ord. 12412 §5; October 30, 1978: Ord. 12168 §35; December 27, 1977: Ord. 9625 §3; November 12, 1968: Ord. 9080 §2; August 22, 1966).

#### **2.76.510 Physical or Mental Examination.**

The director or department head may at any time require an employee to be examined by a physician or psychiatrist for the purpose of determining the employee's ability to perform the duties of their

position. Such examination if required by the director or the department head shall be at the expense of the employer. (Ord. 15488 §101; March 12, 1990: P.C. §2.58.436: Ord. 12412 §6; October 30, 1978).

#### **2.76.515 Personnel Records.**

The Personnel Department shall be the central repository for all such personnel files and records as the director deems necessary. (Ord. 15488 §102; March 12, 1990: P.C. §2.58.440: Ord. 8619 §70; December 21, 1964).

#### **2.76.520 Service Register.**

The director shall establish and maintain a service register of all employees in the classified and unclassified service, identifying for each the class title, the departmental assignment, salary rate, date of employment, employment history, and such other data as he deems pertinent. (Ord. 15488 §103; March 12, 1990: P.C. §2.58.450: Ord. 8619 §71; December 21, 1964).

#### **2.76.525 Reports to Personnel Director.**

Every appointment, transfer, promotion, demotion, dismissal, sick leave, leave of absence without pay, change of salary rate, and other temporary or permanent change in status of employees in both the classified and unclassified service shall be reported to the director in writing. The director is authorized to prescribe the time, manner, form, and method of making any written report as may be stipulated in any of these rules. (Ord. 15488 §104; March 12, 1990: P.C. §2.58.460: Ord. 12168 §36; December 27, 1977: Ord. 8619 §72; December 21, 1964).

#### **2.76.530 Public Records.**

Except for examinations, personal histories, salary and fringe benefit surveys, and inquiries made for the purpose of labor negotiations or judicial hearings, and such other confidential papers as may otherwise be specified in these rules or by action of the director, records of the Personnel Office shall be public records. Such records shall be open to inspection by the public during regular office hours, at reasonable times, and in accordance with such procedures as the director may provide. (Ord. 15488 §105; March 12, 1990: P.C. §2.58.470: Ord. 13544 §2; February 28, 1983: Ord. 8619 §73; December 21, 1964).

#### **2.76.535 Health and Safety.**

The director shall make every effort to promote among employees and in the department maximum standards of safety and good health. The director may investigate working conditions and recommend to the department heads concerned suggestions for the correction of harmful conditions which are believed to be preventable or which are not in compliance with established rules, regulations, and requirements. In making investigations and reports on such matters, the director shall cooperate with and use the services of federal, state, and local agencies concerned with industrial health and safety. (Ord. 15488 §106; March 12, 1990: P.C. §2.58.480: Ord. 8619 §74; December 21, 1964).

#### **2.76.540 Service Ratings.**

The director shall prepare, install, and maintain a system whereby department heads will report annually on the performance of all regular employees. Such reports shall be made at such times and in the manner prescribed by the director. The rating reports shall be centrally maintained under a part of the procedures having to do with promotions, demotions, transfers, salary increases or decreases, separations from the service, and other personnel status changes where such ratings are pertinent and of value. (Ord. 15488 §107; March 12, 1990: P.C. §2.58.485: Ord. 12168 §37; December 27, 1977).

#### **2.76.545 Performance Standards.**

The director shall assist department heads in developing standards of performance. The standards of performance shall give consideration to the quality and quantity of work done, the manner in which the service is rendered, the conduct of employees, their faithfulness to their duties, and such other work characteristics as will measure fairly the work performance of employees. Such standards of performance and performance evaluations may be used in determining the eligibility for salary adjustments, in discovering employees who should be transferred or promoted, in rating suitability for promotion, and in developing necessary training activities. Performance evaluations shall be reported in such manner and at such times as the director may require. (Ord. 15488 §108; March 12, 1990: P.C. §2.58.490: Ord. 12168 §38; December 27, 1977: Ord. 8619 §75; December 21, 1964).

#### **2.76.550 General Training Activities.**

The director shall in all ways possible encourage training opportunities for employees and supervisors to the end that services rendered to the city may be made more effective and that employees may become at the same time qualified for promotion to higher level positions. If requested by a department head, the director shall assist the department head on any training problem relating to the development of formal or informal training programs for employees. (Ord. 15488 §109; March 12, 1990: P.C. §2.58.500: Ord. 8619 §76; December 21, 1964).

#### **2.76.555 Orientation of New Employees.**

The director may provide the oral, written, visual, or other training aids to familiarize new employees with their obligations and rights in the city service and the general function of the city government. With the advice and assistance of department heads, the director may also provide for orientation as to specific services of the department to which individuals are assigned and training courses have reference to work assignments. The purpose of any such orientation training programs shall be to familiarize employees with their working conditions and duties. (Ord. 15488 §110; March 12, 1990: P.C. §2.58.510: Ord. 8619 §77; December 21, 1964).

#### **2.76.560 Outside Employment.**

No full-time employee shall undertake any employment outside of their city employment which is, or can be interpreted to be, inconsistent with or detrimental to their city work. Any employee desiring to engage in outside employment shall submit a "request for approval" to the Personnel Director using such form as the director may require. The Personnel Director may approve or deny such request. The employee may appeal the director's determination to the Mayor, who may make the final determination in such cases. The employee may be required to discontinue such outside employment or to resign without



prejudice from the city service. (Ord. 15488 §111; March 12, 1990: P.C. §2.58.520: Ord. 8619 §78; December 21, 1964).

**2.76.565 Individual Employment in More than One Department.**

The prescribed rates of pay for the several classes shall include payment for all work performed in those classes during the standard work week, even though work may be performed in more than one department. Each department may pay its proportionate share of such services, but the total compensation received by such employee shall be fixed at one step in the prescribed range for the class. (Ord. 15488 §112; March 12, 1990: P.C. §2.58.530: Ord. 8619 §79; December 21, 1964).

**2.76.570 Assignment of Wages.**

No assignment of an employee's net wages, earned or unearned, as a transfer or as a security for a debt, shall be binding on the City of Lincoln unless such assignment shall have been approved in writing by the director prior to the execution of such assignment. (Ord. 15488 §113; March 12, 1990: P.C. §2.58.550: Ord. 8619 §81; December 21, 1964).

**2.76.575 Penalties.**

Any person who violates any of the provisions of the charter or these rules shall be subject to dismissal and such other punishment as may be provided. (Ord. 15488 §114; March 12, 1990: P.C. §2.58.560: Ord. 8619 §82; December 21, 1964).